25 August 2017

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 5 September 2017 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 2.05pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

8 August 2017

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Member, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.
4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 17/00630/FUL (Site Visit)
Erection of pavilion, associated car parking area and access at Playing Fields to the rear of Green Road, adjacent to Boothby Meadows School, Ashbourne.

4.2 APPLICATION NO. 17/00329/FUL (Site Visit)
Hybrid Application - Residential Development of up to 4 no. dwellings and access (Outline) and erection of building for B2/B8 Use and associated access (Full) at Ashbourne Road, Cubley.

4.3 APPLICATION NO. 16/00832/OUT
Outline application for residential development and associated access at land East of Les Ardennes, Hulland Ward

4.4 APPLICATION NO. 17/00337/FUL
Residential development of 151 dwellings, access and associated works at land south of Old Derby Road, Ashbourne.

4.5 APPLICATION NO. 17/00498/REM
Residential development of 22 dwellings at land and buildings adjacent to Old Hall Farm, Pearl Bank, Marston Montgomery.

4.6 APPLICATION NO. 17/00490/FUL (Site Visit)
Residential development of 126 dwellings and access at land off Dale Road South, Darley Dale.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS

6. APPEALS PROGRESS REPORT

To consider a status report on appeals made to the Planning Inspectorate.
Members of the Committee

Councillors Garry Purdy (Chairman), Sue Bull (Vice Chairman),
Jason Atkin, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Tony Millward BEM, Tony Morley, Lewis Rose, Peter Slack and Joanne Wild

Nominated Substitute Members

Martin Burfoot, Ann Elliott, Helen Froggatt, Chris Furness, Neil Horton, Vicky Massey-Bloodworth, Jean Monks, Joyce Pawley, Mark Salt, Andrew Statham and John Tibenham.
PUBLIC PARTICIPATION

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.

b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.

c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.

d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,

f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

- Town and Parish Councils: 3 minutes
- Objectors: 3 minutes
- Ward Members: 5 minutes
- Supporters: 3 minutes
- Agent or Applicant: 5 minutes

g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS
Members will leave The Venue, Wyaston Road, Ashbourne DE6 1NB at **2.05pm prompt** for the following site visits:

2.10pm APPLICATION NO. 17/00630/FUL
PLAYING FIELDS REAR OF GREEN ROAD, ADJACENT TO BOOTHBY MEADOWS SCHOOL
For Members to appreciate the site and context and the impacts arising from the proposal.

2.45pm APPLICATION NO. 17/00329/FUL
HALLMARK TRACTORS, ASHBOURNE ROAD, CUBLEY
For Members to assess the impact of the development on the local environment.

4.00pm APPLICATION NO. 17/00490/FUL
LAND OFF DALE ROAD SOUTH, DARLEY DALE
For Members to appreciate the site and context.

5.00pm RETURN TO THE VENUE, ASHBOURNE
COMMITTEE SITE MEETING PROCEDURE

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)

2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.

4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
### APPLICATION NUMBER
17/00630/FUL

### SITE ADDRESS:
Playing Fields to the Rear Of Green Road, Adjacent to Boothby Meadows School, Ashbourne

### DESCRIPTION OF DEVELOPMENT
Erection of pavilion, associated car parking area and access

### CASE OFFICER
H Frith

### APPLICANT
Mr P Haines

### PARISH/TOWN
Ashbourne

### AGENT

### WARD MEMBER(S)
Cllr A Millward, Cllr S Bull

### DETERMINATION TARGET
24.08.17

### REASON FOR DETERMINATION BY COMMITTEE
Due to objections raised.

### REASON FOR SITE VISIT (IF APPLICABLE)
For Members to appreciate the site and context and the impacts arising from the proposal.

### MATERIAL PLANNING ISSUES
- Principle of development
- Impact on residential amenity
- Highway safety
- Character and appearance

### RECOMMENDATION
Refusal
Playing Fields To The Rear Of Green Road, Adj. To Boothby Meadows School
1.0 THE SITE AND SURROUNDINGS

1.1 The application site is located close to the centre of Ashbourne and adjoins residential properties. The land surrounding and including the existing changing room building is currently laid to grass. The existing changing room building is a relatively modest building of octagonal form and pitched roof. There is an existing hedge and some trees along the boundary between the application site and the adjoining dwellings to the north. There is an existing car park at the site to the west of the existing pavilion building which is surfaced with stone chippings. There are two access points to the site, a pedestrian access via a public footpath from the Green Road and the vehicle access via Cokayne Avenue which is a narrow single track lane lined with hedging.

2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought to demolish the existing building and erect a new pavilion building with a new extended car park incorporating land to the north of the existing facility.

2.2 The proposed building is to an overall height of 6.05m and would be no higher to the roofline (not including parapet) of the existing building. The proposed pavilion measures 49.6m by 11m and would be located within 3m of the boundary hedge. The proposed pavilion is to provide the following accommodation:
   - 4 group changing rooms
   - Match official changing rooms
   - Physio room
   - Storage
   - Toilets and baby change
   - Kitchen and kitchen servery area
2.3 The building is to be cut into the slope of the land by approximately 1m at the maximum which varies along the length of the building. At its western end it would have a 0.5 under build above existing ground levels. A retaining wall to the rear of the building would be required which would have a stepped appearance to a maximum height of 2m in height.

2.4 To the rear of the building high level windows and a single door opening are proposed. To the frontage again high level windows are proposed with the large multi-use area central to the building having a large area of full height glazing and a patio area leading from this with steps down to the field.

2.5 The applicant has submitted a supporting statement which makes the following pertinent points:
- QEGS has inadequate sports changing rooms but has no funding to improve them.
- The Rugby Club has the poorest facilities in Nottinghamshire, Lincolnshire and Derbyshire region and has access to funding to improve them.
- The 200 children who play in our teams and their opposition need a facility within which to clean and wash and an area for a snack and hot drink.
- There is an established relationship between the club and the school.
- This proposal is for a facility to be used by school children and rugby players.
- There is no bar as part of the proposal.
- It is on school land and will be managed by the school.
- Events and food etc. for the rugby clubs are provided at the ex-servicemen’s club and this is intended to continue.
- The building will have the lowest possible roof pitch of 20% and we will dig it into the ground by 1m to ensure the building is no higher than the existing.
- The existing facility is used in the week by the school and on Saturday mornings and is used by the club on Saturday afternoons and Sunday mornings.
- The proposal will make a significant difference to the children using the facilities.
- We have attempted to reduce the impact on neighbours by reducing the height of the roof. It is worth noting that a new dwelling has recently been built in front of the houses that back onto the pavilion in much closer proximity that the changing rooms.
- The increase in population numbers will further increase the demand for new facilities.
- The existing access is used by Parkside Junior School and QEGS sixth form centre, teachers, pupils, visitors to each, ARFC players, Hockey players and local teams using the astro turf pitch.
- We do not envisage any increase in traffic. This proposal will not increase the numbers of people accessing the facility, but will simply provide existing users with improved facilities.
- The car park is too small and is not appropriately surfaced and does not cater for the disabled.
- When the car park is full people park on the grass spoiling the playing field.
- The new car park would resolve these issues and reduce congestion elsewhere, particularly on Cokayne Avenue.
- The proposal will also benefit the wider community, including other local sports clubs and organisations such as the Scouts.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK
1. Adopted Derbyshire Dales Local Plan (2005)
   SF1: Development Within Settlement Framework Boundaries
   SF5: Design And Appearance of Development
   NBE26: Landscape Design In Association With New Development
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development
4.0 RELEVANT PLANNING HISTORY:
4.1 17/00041/FUL – Erection of pavilion, associated access and parking area - Withdrawn

5.0 CONSULTATION RESPONSES

Parish / Town Council
5.1 Object. Almost identical scheme to the previous one which contravened planning policy. The comments that QEGs has woefully inadequate sports changing rooms is untrue. Mass overdevelopment.

Environmental Health (Derbyshire Dales)
5.2 No issues/concerns regarding the application

Derbyshire Dales Group of the Ramblers
5.3 No objection provided the FP 11 is not affected either during or after construction.

Peak and Northern Footpaths
5.4 Cannot see where the public footpath will run in relation to the pavilion and car park. I would strongly object if the path would be squeezed between a hedge and fence to the rear of the pavilion and crossed by cars entering the car park. There must be at least a 2m clear width between any fence/hedge/wall and preferably 3m.

Sport England
5.5 There would not appear to be any direct impact on playing pitches. The FA and RFU have confirmed that the facilities at the site are inadequate for current and projected use. The FA has no objections to the proposal and the RFU have identified this as a key investment priority. As such sport England do not object to the proposal.

Local Highway Authority
5.6 Initial comments from the Highway Authority:
As part of the consultation process for the previous application at this site (17/00041) the Highway Authority raised concerns regarding the size of the proposed sports pavilion and its potential uses outside of sport matches i.e. parties, meetings, events etc. which will all have the potential to generate significant vehicle trips associated with the site. Whilst the text on the drawings has been removed where the previously proposed bar and seating areas were, the size of these spaces are still there.

Are there any restrictions your Authority can put on any consent to restrict the use of the pavilion for sporting activities only? Or restricting the use of any bar/seating area outside of sporting activity times and outside of the school operating times?

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 16 representations have been received including a letter signed by 12 residents of Town Head and Hall Garden Cottages. A summary of the representations is outlined below:

Character And Appearance
Concerned about the loss of our view and harm to our outlook.
- The presence of the new dwelling cannot be used to justify this proposal.
- This is overdevelopment
- What will the facing brick be?
- Although the ridge height has been reduced this remains a building of significant size.
- The building has been designed as a Rugby clubhouse not as a school facility.

Amenity Impacts

- The size of the building would lead to more activity, increasing the numbers of people and more traffic and noise.
- Why is so much floor space needed?
- Are there going to be social gatherings after sporting events both inside the building and on the proposed external terraced area?
- No details have been provided regarding operating hours which is concerning.
- There have been Rugby Club socials held in a marquee which caused noise disturbance, we would not want to see more of this on our doorstep.
- Concerns regarding anti-social behaviour the existing pavilion provides a haven for teenage drinking, shouting, revving car engines and playing loud music.
- It is unclear as to the extremities of the building and the direct impact on residents as the plans does not show neighbouring dwellings.
- More information on waste storage and collection is needed.
- What about ventilating and air conditioning and the noise from these?
- No detail regarding the generator which may be noisy.
- What noise will the plant room and kitchen extraction generate?
- The social space will extend the use of the facility and generate major noise and nuisance to residents.
- Existing hedges will do nothing to minimise the impact of the building.
- The scale of the building on the boundary will impact on the enjoyment of our property.
- The new house adjacent to the site has no impact on existing residents and cannot be used to justify the proposed development, this house replaced an existing one.
- The space remaining at the back of the building is likely to lead to anti-social behaviour and provide cover for illicit access to the backs of properties – this has occurred recently.
- There have already been incidents in which the police have been involved at the site.
- All the focus of the Rugby Club and other groups who want to use the building will be to this site therefore increasing the level of activity.
- The diagram of tables and chairs previously shown internally has been removed, but the space for these remains.
- The school budget is difficult and they will want to earn money from this building by letting it out for events which will impact on neighbours.
- Additional parking will adversely affect neighbouring residents.
- The proposal will cause extreme levels of distress and affect the quality of life to residents in this area.
- The applicant has said that no decision has been made as yet regarding the sale of alcohol from the premises, this is worrying for residents.
- The current pavilion is not heavily used outside of school hours.
- The proposal will result in light pollution.
- The proposal will overshadow Town Head Cottage.

Highway Safety

- Access is a single lane and the chances of congestion very high.
- The proposed car park for 50 spaces will have a huge effect on the area and is bound to bottleneck.
- The proposal will result in significant danger to highway safety.
- Access for emergency vehicles would be compromised.
- Pedestrian access is already dangerous.
- Carers of residents may not be able to park and access properties.
- Access is not suitable for larger vehicles such as coaches bringing in teams from elsewhere.
- The existing car park holds around 15 to 20 vehicles and parking only extends onto the grassed area during inter school competitions and very large events, not as a regular occurrence.
- Young children have to walk in this area, the proposals will harm their safety.
- The area is already in gridlock at school times.
- The proposed parking area will lead to misuse if not properly secured at the end of the day.

Other

- Will the proximity of the retaining wall impact on boundary treatments?
- This replaces an existing permitted proposal in a better location.
- Other sites on the fields should be considered where there will be less amenity impacts.
- Residents of Hall Garden Cottages and Town Head would no longer feel safe in their homes.
- Does QEGS get less money than other schools to maintain their buildings?
- Why is there a need for such a large building, this is beyond replacement changing rooms?
- The siting is not a suitable position for rugby as it will not overlook the pitches and therefore be inconvenient for players, officials and spectators.
- The supporting statement overstates the existing use of the fields and facilities.
- Who will have overall responsibility for the premises?
- The proposal will impact upon mature boundary trees, a tree survey should be submitted to assess this.
- If this is passed, please restrict the sale and consumption of alcohol and ensure that the car park is appropriately secured when not in use.
- QEGS owns a lot of land, can the building be relocated?
- The application plans do not show the locations of the pitches, the ARFC pitch is located several hundred metres to the south west.
- There appears to be space for a dining facility for 248 people.
- The building is clearly intended for functions.
- This will result in the loss of field event facilities in the east side of the pavilion.
- Why has no ecological appraisal been submitted?
- There are no facilities for outdoor smoking.

7.0 OFFICER APPRAISAL
7.1 The following material planning issues are relevant to this application:
- Principle of development
- Impact on residential amenity
- Highway safety
- Character and appearance

Principle of Development

7.2 Policy L2 of the Adopted Derbyshire Dales Local Plan states in part that:
Planning permission for development involving the provision of new indoor and outdoor sport and recreation facilities will be granted provided that;
a) it is well related to the settlement it is to serve,
b) it is capable of being accessed by a range of transport modes and by disabled people and those with restricted mobility,
c) would not have an adverse impact on the character and appearance of its surroundings,
d) does not create unacceptable problems in terms of the relationship between the proposal and the neighbouring uses beyond the development site.

7.3 The application site lies close to the centre of Ashbourne in an area where it can serve the local community. The site is also adjacent to the sixth form centre of Queen Elizabeth’s Grammar School and will provide a needed facility for the school. The site is also associated with the existing sports fields. In view of this the proposed building is well located to provide for the identified need in a sustainable location and as such both local and national planning policy support such proposals in principle. Nevertheless the detail of the scheme and the impacts upon residential amenity and highway safety need to be carefully addressed particularly given that the site is served by a narrow single track access and is in close proximity to neighbouring residential properties.

**Impact on Residential Amenity**

7.4 The proposed building measuring 49.6m by 11m, is significantly larger than the existing changing facilities and will incorporate not only increased changing facilities but also a large central multi-use area and kitchen. As such the building will function more as a club house than a simple changing room building which exists on the site at present.

7.5 Local residents have raised considerable concern regarding the proposed use of the building and the increased activity likely to be associated with such an enlarged building with greater facilities, in that such activity will lead to additional noise and nuisance. Furthermore the proximity of the building to the boundary is also seen as having a harmful impact in terms of the scale of the building on the boundary resulting in harm to boundary treatments and trees, overshadowing, harm to outlook and overbearing. Residents are concerned that the presence of the building will lead to further anti-social behaviour which they suggest is already a problem at the site, which they consider is worsened by the proximity of the building to the boundary resulting in a tunnel area to the rear of the proposed building. The siting of the formal car parking adjacent to the neighbour’s boundary has also raised concern in terms of increased noise, nuisance and disturbance to nearby residents.

7.6 The supporting statement for the application advises that the use of the building will not increase activity on the site as the existing users of the site will be the users of the building. Whilst this is acknowledged to a degree, it is nevertheless considered that by placing a large building in this location, with the facilities this will provide, will focus activity from the sports fields to this building with people utilising it for changing, post-match refreshments and club meetings. As such the proposal has the potential to increase noise and nuisance thereby adversely affecting the amenity of neighbouring residents. However, it is also acknowledged that the activity proposed for the building is no more than that currently operates on the site. As such should the application be acceptable it would be possible to impose conditions to restrict the use of the building to a sports facility only and to restrict the operating times to coincide with the overall use of the site. Therefore, whilst objection has been received from properties to the north, it is considered that the use of the building in this location will not in itself cause unwarranted nuisance and amenity impacts which would warrant refusal subject to the restrictions that could be imposed on the use of the building.
7.7 The scale of the building on the boundary, whilst reduced in this revised application, will nevertheless introduce a 49.6m long building to a height of 6m within approximately 3m (maximum) of the boundary. Whilst concern has been raised regarding the scale and impact of this property on the boundary from the properties to the north, it is considered that they will largely view the upper part of the building due to the cutting of the building into the bank. This restricted height and the separation provided by the elongated rear gardens of the properties to the north means that refusal would not be warranted on the grounds of the scale of the building in proximity to those properties. However, Town Head Cottage is significantly closer to the proposed building and as such the impacts here differ greatly. The impact on the replacement dwelling at Town Head Cottage will be particularly significant as the proposed building will extend 16.5m from the existing pavilion in the direction of Town Head Cottage and will sit higher out of the ground at its western end. It is considered that the proposed building will impose itself on Town Head Cottage and its garden in an unacceptable manner with its overbearing nature harming the amenity of its residential occupants.

7.8 The proximity of the building to the boundary of the site may result in an increase in anti-social behaviour at the site. However, this could be mitigated through the proper enclosure of the site and prevention measures such as CCTV on the building. In this respect whilst the building could have an improved design and siting in respect of designing out crime it is not considered that this would warrant refusal of the application given the ability to mitigate against such problems. Moreover the removal of the existing building which is presently boarded up may also alleviate the existing problems experienced in this area with anti-social behaviour.

7.9 The siting of the formalised car parking area in closer proximity to the neighbouring dwelling Town Head Cottage will result in an increase in noise and disturbance from the patrons and their vehicles to a dwelling set at a lower ground level than the proposed car park and sited in very close proximity to the boundary. This will exacerbate the adverse impact already identified from the building. The building and its car park will consequently dominate the experience of living in Town Head Cottage.

7.10 It is considered that the proposal for the reasons set out above will cause an unacceptable relationship between the proposed building and car park and the dwelling situated immediately to the north of the site known as Town Head Cottage. As such the proposal is contrary to policy L2 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

Highway safety

7.11 Concerns have been raised that the proposed building will intensify the use of the existing single track access and as such the proposal will be detrimental to highway safety for both vehicles users and pedestrians, particularly given the proximity of sheltered housing and a school for young children.

7.12 The Local Highway Authority have previously raised concerns regarding the potential for this building to increase traffic to the site. In this case whilst the Local Highway Authority have raised queries they have not as yet formalised their comments in regard to this application. As such the matter of highway safety shall be updated to the planning committee at the meeting. At present this matter is unresolved.

7.13 It is acknowledged that the proposed parking area and building would impact upon the existing public right of way by introducing traffic movements directly adjacent to this and having footpath routed to the rear of the building which would not make for a pleasant experience when using the footpath. However this would potentially be avoided through
the provision of a knee rail or similar to the parking and re-routing the footpath to the front of the building.

**Character and Appearance**

7.14 The proposed building in terms of its appearance and external facing materials of brick and tiles to the roof is considered appropriate to this context where there is a mix of development types including institutional buildings of similar materials, albeit this proposal is for a more modern design.

7.15 However, a negative of the design is the lack of provision for disabled access to the building which is entirely via stepped access points. Policy L2 refers specifically to provision for the disabled or less mobile. However, it is not considered that this matter would warrant refusal as the access could be resolved through the provision of a ramp. It is noted that internally disabled toilet facilities are provided.

**Other matters**

7.16 Concern has been raised that no ecological survey has been submitted with the application. It is not considered such a survey is necessary in this case given the mown nature of the grassland and the limited potential this has for the presence of wildlife.

7.17 Concern has also been raised that the proposal has not included an assessment on the impacts of the development upon trees to the northern boundary. The lack of such a report and assessment in this case reflects the fact that none of the trees are protected and as such there is no control over the retention of these. However, given the proximity of the building works to mature trees it is likely that these could be adversely affected by the proposal. However, given the permitted development rights that exist to replace boundary treatments it is not considered that the loss of any mature trees on the boundary would be such that the impacts upon amenity would be significantly exacerbated by the loss of trees.

**Conclusion**

7.18 The erection of the proposed pavilion whilst no doubt required and welcomed in principle would nevertheless have unacceptable impacts upon the amenities of the residents of the dwelling immediately to the north from both the overbearing presence of the building and noise likely to be generated by the use of the extended car park close to its boundary. As such the proposal is contrary to local and national planning policy.

**8.0 RECOMMENDATION**

8.1 That planning permission be refused for the following reason(s).

The proposed pavilion building by reason of its scale and proximity to the boundary of the dwelling immediately to the north would have an overbearing impact on this dwelling undermining the enjoyment of the property and its garden. In addition the usage of the extended car park by vehicles and patrons would significantly increase noise and general disturbance. These impacts individually and cumulatively would result in significant detriment to the living conditions of the occupiers contrary to Policies SF1, SF5 and L2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

**9.0 NOTES TO APPLICANT:**

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive
manner was considered to be best served by the Local Planning Authority issuing a
decision on the application at the earliest opportunity and thereby allowing the applicant to
exercise their right to appeal.

2. This decision notice relates to the following documents:
   Supporting statement received 29.06.17
   Site location plan received 29.06.17
   Site plan ASC-1 received 29.06.17
   Parking design plan ASC-2 received 29.06.17
   Ground level plan ASC-3 received 29.06.17
   Proposed plan ASC-4 received 29.06.17
   Proposed plan ASC-5 received 29.06.17
   Modified roof pitch plan ASC-6 received 29.06.17
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<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
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<td><strong>SITE ADDRESS:</strong></td>
<td>Ashbourne Road, Cubley</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Hybrid Application - Residential Development of up to 4 no. dwellings and access (Outline) and erection of building for B2/B8 Use and associated access (Full)</td>
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<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr. P Russell</td>
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<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Cubley, Boylestone and Sudbury</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Miss Jessica Herritty</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllrs. Morley and Catt</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>13th July 2017</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major application</td>
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<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the development on the local environment.</td>
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**MATERIAL PLANNING ISSUES**

- The acceptability of constructing a new building for B2/B8 use in the location and of the scale proposed and associated loss of grade 2 agricultural land;
- The impact of this building on the character and appearance of this part of the countryside / local landscape;
- The loss of part of the existing employment site and acceptability of redeveloping this part of the site for housing;
- Impact of the development on the occupants of nearby residential dwellings;
- Highway safety, and;
- The planning balance.

**RECOMMENDATION**

Refusal.
1. THE SITE AND SURROUNDINGS

1.1 The site is located to the south west of Cubley village. It covers an area of 3.07ha and includes the sales, service and repair buildings and hardstanding associated with Hallmark Tractors (see photographs 1 and 2) and an agricultural field to the north (see photograph 3). Both the Hallmark Tractor site and the field front the A515, which runs between Ashbourne and Sudbury close to its junction with Oak Lane which is a minor road. Either side of the Hallmark Tractor site are a small number of dwellings.

1.2 The agricultural field, which extends northwards and wraps around the rear of Willow and Lodge Cottages and north of Bentfield House is bound to the north east and west by native species hedgerows with mature field boundary trees which filter views into the field in views from these directions. An existing group / line of trees on the southern boundary in the west separate the field from the Hallmark Tractor site. To the south of the Hallmark Tractors site is Coppice View and Springfield House (which can be seen in photograph 4).

1.3 The field to the north of the existing employment site comprises Grade 2 (very good quality) agricultural land.
2. THE APPLICATION

2.1 This hybrid application is split into two elements. Full planning permission is sought to construct a new building for general industrial (B2) and storage and distribution (B8) use some 87m long by 30m wide on the field at the northern end of the site. The building will accommodate a showroom, workshop and storage area for use by Hallmark Tractors. It will be positioned at the southern end of the field and will be surrounded by hardstanding for the servicing and storage / display of vehicles and machinery and dedicated parking for customers (22 spaces) and employees (26 spaces). A new access will be created to the north east of building onto the A515. The site access will be fenced and gated for security with the entrance set back 27m. The building will comprise a steel framed structure, with dual pitched roof measuring 9.84m in height to ridge, clad in composite panels. The showroom will be positioned at the north eastern corner of the building which features large areas of glass / feature windows. The proposed development seeks to retain the majority of existing trees and hedgerows surrounding the site. A number of trees along the A515 will be removed to accommodate the necessary visibility splays. To compensate for this, new trees will be planted along this boundary. A SUDS pond and woodland block is proposed to the south of the building, which will separate the building from existing residential development.

2.2 In support of this element of the proposal, the applicant in a supporting planning, design and access statement advises the following:

The applicant acquired Hallmark Tractors in January 2016. As a result the Hallmark depot in Ashby de la Zouch was closed in December 2015 with existing stock and a proportion of the workforce relocated to the Cubley depot. As a result of the amalgamation of the depots, existing stock and services have been transferred to the Cubley site. This is putting even greater pressure on the already overloaded site, causing major practical issues with servicing customers and preventing any growth of the business.

The business is also experiencing difficulties in recruiting new staff due to the poor working environment. There is insufficient space to store all parts and equipment on site and therefore additional buildings are rented in Church Broughton over 3 miles away requiring staff to frequently transport stock between sites, costing time and money. Servicing of some machinery is being handled at other depots, for example combine harvesters have to be serviced in Selby, near Leeds.

The site at Cubley is not adequate to meet the needs associated with the farming business and the inefficiencies of the operations are impacting upon the safety of the site, service provided and employee welfare which is leading to increased cost and significant impracticalities, a situation which is quickly becoming unsustainable. Furthermore, the current state of the depot is below Dealership standards including health and safety, staff welfare and marketing. This is further restricting the ability of the business to run and certainly it is impairing growth.

2.3 Amended plans have been submitted, which seeks to retain the buildings and surrounding land currently used by Hallmark Tractors in employment use.

2.4 The second part of the application seeks outline planning permission for 4 no. dwellings on land at the rear of the buildings occupied by Hallmark Tractors. All matters other than access, which will be from Oak Lane are reserved for subsequent approval. The indicative site layout plan shows four detached dwellings accessed off a single service road which wraps around the rear of Coppice View and the removal of three trees at the south western corner of the site. The applicant advises that this element of the application is necessary to fund the business relocation. A financial justification statement accompanies the application which advises that without an uplift in the existing Hallmark Tractor site
value the whole scheme would not be viable (based on maximum bank funding). This was however based on the original scheme, which proposed 9 no. dwellings.

2.5 A transport assessment, travel plan, extended phase 1 habitat survey, landscape and visual impact assessment and flood risk assessment have been submitted with the various application drawings. All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where relevant in the ‘Issues’ section of the report.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

- **SF4** Development in the Countryside
- **SF5** Design and Appearance of Development
- **SF6** Protection of the Best Agricultural Land
- **SF8** Catering for the Needs of People with Disabilities in Development and Redevelopment
- **H4** Housing Development Outside of Settlement Framework Boundaries
- **H9** Design and Appearance of New Housing
- **EDT8** Design and Appearance of New Industrial and Business Premises
- **EDT15** New Build Industrial and Business Development Outside of Settlement Frameworks
- **NBE5** Development Affecting Species Protected by Law or are Nationally Rare
- **NBE6** Trees and Woodland
- **NBE8** Landscape Character
- **NBE12** Foul Sewage
- **NBE26** Landscape Design in Association with New Development
- **TR1** Access Requirements and the Impact of New Development
- **TR3** Travel Plans
- **TR8** Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan

- **S2** Sustainable Development Principles
- **S3** Settlement Hierarchy
- **S5** Development in the Countryside
- **PD1** Design and Place Making
- **PD5** Landscape Character
- **PD8** Flood Risk Management and Water Quality
- **HC1** Location of Housing Development
- **HC4** Affordable Housing
- **HC11** Housing Mix and Type
- **HC19** Accessibility and Transport
- **EC1** New Employment Development
- **EC3** Existing Employment Land and Premises

3.3 Other:


4. **RELEVANT PLANNING HISTORY**

4.1 09/00762/VCOND  Section 73 Application - Extension of existing building, creation of new access road and use of land for storage of vehicles (Variation to Condition 3 of planning permission 09/00468/FUL) - Refused
5. CONSULTATIONS

5.1 Cubley Parish Council:
The parish council does not object to this application and believes that, in principle, it is good for the area. The parish council does however request that any approval be subject to a number of conditions.

These are firstly that access for all 9 houses will be from Oak Lane, since the parish council has a significant safety concern over any access from the A515 and requests that the applicant be asked to revisit access on their proposal to address this.

Secondly, that approval requires either trees or a bund to be put in place to hide the commercial facility from the A515 and that signage be kept discreet, since the display area of tractors could be distracting to traffic (a safety concern) and may also be unattractive.

Thirdly, that the jobs created be for local residents with Derbyshire Dales post codes and pay rates.

Boylestone Parish Council:
No comments received.

Sudbury Parish Council:
No comments received.

5.2 Local Highway Authority:

Comments on the application as originally submitted:

The new site for the agricultural business is proposed to be served by a new purpose built junction incorporating a ghost island right turn facility – this is considered an acceptable form of junction for the A515, given the nature of traffic using the A515 and business activities carried out on site. The access arrangements are shown on drawing number T16595.001 and are purported to be in accordance with the requisite design criteria – TD42/95. The geometry is generally considered to be acceptable and this is confirmed through swept path analysis - tracking various different vehicles likely to visit the site thorough the new junction. This is considered a significant improvement over existing access arrangements at current site.

Concerns regarding the analysis undertaken and calculation of the visibility sightlines proposed for the new junction onto the A515, given its high speed nature are raised. The Local Highway Authority advises that the applicant should revisit the speed survey information and select the higher recorded 85%ile values as a basis for the visibility splay calculation and that the designs will then need to be checked to ensure the appropriate levels of visibility can be achieved, in the horizontal and vertical planes. They advise that this exercise will also need to be undertaken for the calculation of visibility sightlines at the Oak Lane access.
The Local Highway Authority advise that there is sufficient room within the site to accommodate significant levels of parking that will not affect the adjoining public highway in any form.

With regard to the access off Oak Lane the Local Highway Authority advise that this will require the existing highway to be modified, in order to provide improved levels of visibility from the existing access, to support a residential development of 4 No dwellings. They advise that whilst it is considered the existing highway margins may be able to support some compensatory widening to accommodate a buildout at the access point there is a ditch running alongside the roadside boundary that may be affected and may require additional works to support the realigned highway. It is recommended that consideration is given to the above to ensure acceptable arrangements can be achieved.

Following receipt of the above comments, the applicant has re-calculated vehicle speeds based on 12-hour weekday flows (07:00-19:00), which identified that the northbound and southbound 85th percentile weekday speeds between are 53.2mph and 56.1mph respectively requiring a visibility sightline of 163.8m to the south and 179.3m to the north.

Revised drawing T16595.001 rev A has been submitted to show the amended visibility splays, using the higher splay (179.3m) in both directions. The applicant has also indicated the hedges/trees to be removed to facilitate the visibility splays.

In terms of the Oak Lane access the applicant has advised, due to the relatively low traffic flows, that they have used the 85th percentile speed across the whole 7-day week. They have updated drawing T16595.004 rev D to show the visibility splays set back 2.4m from the give-way line and extending 1.0m into the carriageway. They have also indicated the existing foliage to be removed/trimmed and added additional information to the drawing with regards to the highway ditch on the southern side of Oak Lane, opposite the proposed access junction.

Further Comments (considering the additional information above and amendments to the scheme):

The applicant has satisfactorily clarified / addressed the issues previously raised by the Local Highway Authority, however, point out that it is not clear what the intended retained use for the site will be whether this will be retained for Hallmark Tractors or whether this will be for general B1-B2 use and that the Transport Assessment work should be amended to identify key differences to the existing / current scenario.

It is anticipated that conditions and advisory footnotes will be presented to members ahead of the committee meeting.

5.3 Environmental Health:

Comments on the original application:

Raise no objections subject to conditions to cover the following:

- No development shall take place until an assessment on the potential for noise from the development affecting residential properties in the area has been submitted to and been approved in writing by the Local Planning Authority.

- If the assessment indicates that noise from the development is likely to affect neighbouring residential properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of the National Planning Policy Framework, BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 2014 "Guidance on Sound Insulation and Noise Reduction for Buildings ". The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Also hours of operation limited to those on the application form with no working Sundays and Bank Holidays.

Model land contamination conditions.

Comments on the amended application:

Whilst maintaining their previous comments advise that this is a less desirable layout than previously submitted from an Environmental Health perspective. It introduces new housing adjacent to an industrial use which may result in complaints of noise and nuisance and that any noise assessment made would need to look at how the potential for nuisance can be minimised, particularly in the location and internal layout of the new properties and any fencing or border detail. The existing building and site activities would need to be considered with the noise assessment.

5.4 Economic Development Manager (Derbyshire Dales District Council):

The proposal will support the retention of the current business operation and jobs within the district. The application includes the following information regarding employment resulting from the proposed development:

Existing FTE employees – 21
Proposed FTE employees – 5

This is understood to total 26 FTE jobs accommodated by the development, including 5 new FTE positions, which accords with Council’s corporate priority / economic objectives to increase business growth and job creation within the district. Prior to determination of the application this should be confirmed with the applicant.

Regarding location, the agricultural community constitutes the predominant customer base for the business. Although currently operating from a site close by, the application proposes new development within the countryside therefore consideration of the sustainability of the location is required.

Regarding alternatives, the largest industrial estate in the area - Ashbourne Airfield - is within 7-8 miles although there are no sites of sufficient size available for development on the estate at the current time.

On balance, from an economic development perspective the proposal is supported. Should the application be approved, it is important to retain B2/B8 uses on the site going forward so as not to impact upon other rural services.
5.5 Environment Agency:

Do not wish to comment.

5.6 Land Drainage Authority (Derbyshire County Council):

In their initial response, the following information was required:

- The pre and post development runoff rates for the site.
- The size of the impermeable area which is to be drained.
- The amount of surface water storage required.
- The point of discharge for the surface water
- Evidence to demonstrate that the surface water is to be discharged as high up as is reasonably practicable in the following hierarchy:
  
  I. into the ground (infiltration);
  II. to a surface water body;
  III. to a surface water sewer, highway drain, or another drainage system;
  IV. to a combined sewer.

Surface water drainage calculations were subsequently provided by the applicant.

In order for the Land Drainage Authority to be satisfied that the development proposals were feasible and could be delivered in line with current legislation and guidance additional information in relation to the following was requested:

- Whether, as an alternative option, the site would drain to a watercourse to the south west of the site
- Details of total developed and undeveloped areas, and;
- Clarification on how discharge rates had been calculated and if there are any areas of the site that are not being altered or connected to the drainage system.

This information has since been provided and the Land Drainage Authority are satisfied that the development would be acceptable from a land drainage perspective, subject to conditions.

5.7 Natural England:

Do not wish to comment.

5.8 Derbyshire Wildlife Trust:

It is considered that adequate ecological survey work has been undertaken in order for the application to be determined. Conditions to cover the following are, however, recommended:

- Submission of a biodiversity enhancement strategy as outlined in the ecology report.
- Due to the presence of bird nests, a bird mitigation strategy shall be submitted to and approved by the LPA.
- If trees are proposed to be affected, further surveys will be required along with detailed mitigation and potentially a Natural England Licence.
- No demolition and removal of vegetation that may be used by breeding birds takes place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests.
immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- Submission of a detailed lighting strategy.
- Due to the presence of badgers a pre-commencement survey for any recently excavated badger setts on the site or within 30 metres of the site boundary.
- Pollution prevention measures.

A condition requiring supervision of the demolition of the existing buildings by a licensed bat ecologist and that they be soft stripped is also recommended, however, the buildings occupied by Hallmark Tractors are to be retained and this condition is no longer relevant.

5.9 Designing Out Crime Officer:

No objections to either the full application or replacement B2/B8 development or the outline application for housing.

5.10 Landscape Officer (Derbyshire Dales District Council):

There are a number of concerns with the proposals as submitted.

1. Existing development comprising the Hallmark Tractors premises and a small number of residential properties clustered around a road junction is modest in scale and quite typical of similar clusters of agricultural workers cottages often (but not always) associated with road junctions in the wider landscape.....except for the inclusion of a small “industrial” premises. The proposals are for development that completely changes the nature of that which exists by more than doubling the residential component and creating a brand new and completely separate site for a large industrial building in the open countryside. Notwithstanding the presence of large agricultural buildings associated with farmsteads in the relatively close vicinity, the scale of development proposed will result in considerable change in the character of this area.

2. Though proposals for the planting of a landscape buffer zone and new trees along the western boundary will help to mitigate the visual impact of the building on the Russell site the loss of trees along the A515 frontage will open up the view to it from this direction. I assume that the trees are being removed to accommodate highway visibility splays though I can find no specific reference to this within the documentation except that which is on the plan. There is no tree report included with the submission and there is no assessment of whether works can be undertaken to the trees that will allow them to be kept while maintaining the required visibility. The trees are most important in restricting views into the Russell Site, the proposed building would be extremely prominent without them. If they have to be removed then the building should be set far enough back from the frontage in order to allow for suitable replacements. As it stands, the proposal to plant six new trees close to the site access is wholly inadequate. Other mitigation offered is welcome but will only become effective in the long term.

3. Units within the western part of the residential site are positioned far too close to existing trees. It is unlikely that they will survive the construction process and even if they do there will continually be pressure for their removal in the medium to long term. Some trees close to unit 9 are shown as having to be removed, though some of these (cypress) are less important in terms of their character others provide screening within the view down Oak Lane from the west.

4. There appears to be an opportunity for creating a more attractive frontage of tree and shrub planting with the A515. This should be taken.

5. Development will result in the loss of some Grade 2 agricultural land...
There is likely to be adverse impact on both landscape character and visual amenity as a result of proposed development.

6. REPRESENTATIONS

6.1 Representations from 14 local residents were received in respect of the application as originally submitted, 11 objecting and 3 supporting the development proposal. A further letter of representation from New Holland Agriculture, with attached letter sent to Hallmark Tractors on the 8th May advising that their premises are no longer fit for purpose, in support of the application has also been received.

In objecting to the proposed development the following concerns are raised:

Principle

- If you grant planning permission are you setting a precedent for anyone to develop any site with no regard for neighbours or the surrounding area, and for anyone to build an industrial unit in any green space they like? What will happen if they or anyone want to expand the industrial unit further or build more houses?
- We do not agree that the development of the Hallmark industrial unit is the best for the area. Why is a piece of country farmland being used for building industrial business?
- Within 10 minutes’ drive there are various industrial estates such as Marchington, Ashbourne and Church Broughton, all of which houses purpose built units and spaces for such purpose and are within easy access for workers and customers.
- There is no nearby Bus route which residents using social housing would need.
- The business is repeatedly referred to as a farming business. It is not. It is a machinery business which happens to sell mostly, but not exclusively to farmers. It does not have to be in the countryside to do this.
- In order to pay for the expansion housing on the site is needed. A business viewpoint would suggest that if expansion cannot be financed routinely then it should not be done.
- Whilst most local people would be glad to see Hallmark Tractors move because of the nuisance and visibility hazards, what need can be possibly be justified for any housing development whatsoever. It would be acceptable and entirely suitable, however, for the present Hallmark Tractors site to be retained for small businesses.
- The applicant wants to expand their ground care operation into Derbyshire, Nottinghamshire, Leicestershire and Staffordshire. Isn’t Cubley an odd location to promote this from?
- Hallmark Tractors (or its owner the Russell Group) palpably is a business specialising in the sale and repair of agricultural plant and machinery with some retail goods. Any attempt to influence planning control by drawing on a provision in the 2005 local plan ‘to serve the essential requirements of agriculture’ should be resisted.
- It is undeniable that the present site is woefully inadequate for the present business. This however is a position brought about by the previous and current owners of the business. The previous owners made a commercial decision to sell Hallmark Tractors as a going concern but to retain for their own purposes the much more substantial, and original, premises in Ashby de la Zouch.
- It is clear from the applicant’s statement that there is a reliance on ‘enabling’ development to make the business case. This cannot, and should not, wag the tail of the planning argument.
- The land proposed for the industrial unit is grade 2 agricultural land.
- All existing Russell Group depots sit within existing settlement framework boundaries, clearly at no detriment to their operation.
• The proposed construction of open market dwellings in this isolated rural location would be wholly unsustainable, encroaching and unwarranted form of development harmful to the character and appearance of the countryside.
• There are no public transport links at, or within walking distance of the site.

Impact on residential amenity

• We are direct neighbours to the site and the plans submitted would have a massive impact on our home and immediate surrounding area. We would go from having one direct residential neighbour to three, with the proposed garage from one directly on the boundary of rear garden. We enjoy the peace of living in a rural area hence that is why we purchased the property there, and that would be taken away in one construction phase. Although Hallmark are extremely busy they have at present minimal impact on our home life, other than us periodically complaining about their vehicles/machinery/pallets/skips/rubbish obstructing our view whilst pulling out from our drive, and the plans submitted are a step too far.
• The development would not only prove to have a negative visual impact to ourselves due to a house being built directly to our front left but also a negative noise impact from the planned through road for the other residents to access the other planned houses.
• Our own property has been approved to have a bathroom and bedroom to the west side, which is directly overlooked by the new homes.
• The location of house no. 5, is far too close to my boundary. Currently there is a driveway between my boundary and Hallmark Tractor's main workshop, but house number 5 is situated right next to the boundary. Also, the current workshop is only single storey but the house will be two storeys.

Impact of the development on the character and appearance of its surroundings

• The size of the proposal is very concerning.
• Numerous walkers including us as dog walkers regularly walk west up Oak Lane so with a large industrial unit appearing in clear view of approx. 6 homes will totally ruin the beautiful countryside.
• The area of the field and surrounding area is one of beauty, full of trees, shrubs and wildlife that have grown in size over many years. The damage to these things would be immense, devastating and irreparable.
• The area of land adjacent to the proposed planning area is virtually identical in size and only currently has 2 dwellings upon it, so how can 9 dwellings be built on an identical plot of land.
• The impact on the landscape will be in excess of minor adverse.
• With regard to the visual impact of the proposed new depot the consultant has given no thought to the dramatic urbanisation of the scheme. This would be the worst type of ribbon development significantly spoiling the surrounding rural landscape.

Highway Safety

• The access road to get into the residential development is currently proposed on the corner of a very bad bend to the west of our property. Visibility out of proposed development quotes a 76 metre visibility splay towards the east/A515 junction. The 75m has been taken in a straight line along our existing brick wall and hedge towards the A515.
• When analysing the traffic information taken ‘on an average day’ (cold, wet Jan which is not an average day) the number of cars is 296 per day passing our home on Oak Lane. As the residents of Oak Lane, experiencing this first hand when walking our dogs and seeing many hundreds of cyclists use the road is regularly a scary
experience. Traffic is travelling at 30-60mph with no visible speed limit signs anywhere, which proves very dangerous for such a small quiet lane.

- The development quotes detached dwellings with 2 cars per dwelling. As we know the chances of a couple buying a detached dwelling is slim therefore these will probably be "family homes" which will require more than 2 cars.
- The A515 road is already extremely busy with heavy commercial vehicles. Heavy goods vehicles and vans turning into the current Hallmark tractor site already causes considerable hold-up on the road. A larger site would cause even more disruption to traffic flow.
- The number of Heavy goods vehicles and lorries using the A515 increased considerably after the Fenny Bentley bridge was raised. I would consider the traffic flow is high not medium as shown in the visual impact assessment.
- Surely to bring this proposed development to this mainly rural environment on a very busy and dangerous corner is unwise.
- There have been many incidents on this road in recent times due to traffic volume so therefore the proposed site would add to this with the expansion of the already busy business.
- The access from Oak Lane is hazardous. A vehicle going up Oak Lane meeting another coming down at any speed can only end up in the ditch.
- The Transport Assessment is breath-taking in its summation and without any true realisation of the practical issues.
- As part of an application to extend the building and change the use of the land at the rear of the existing premise a condition was imposed restricting access from Oak Lane in the interests of highway safety.
- Living in Boylestone and regularly having to turn right out of New Road onto the A515 to go to Ashbourne or to Marston Montgomery via Oak Lane, it seems to me that no one has taken into consideration that our visibility of traffic coming up the A515 from the direction of Sudbury is extremely limited.

Other matters

- The proposed plans around our home Coppice View have the incorrect boundaries (we can prove from plans/deeds for our property from when it was first built which are available on request). The conifers on the west boundary are on our land and therefore cannot be touched which further means our land boundary is an additional 2 metres approx. to the west into the proposed development.
- Currently there is no gas or sewage main in the area. Bottled gas or bulk oil is expensive, not a price people who make use of social housing could afford. With no mains sewage waste would have to go to a septic tank which also incurs costs.
- The site would create noise and air pollution that would impact on residents and the environment.
- Will Hallmark Tractors maintain the buffer zone? They sell lawn mowers but do not maintain the grass on their current frontage.
- It is suggested that part of site will be left as grassland but the detailed business plan indicated that the grassland area will be used for the demonstration of machinery - this will become a quagmire.
- No attempt was made by the applicant to seek the views of local residents or the respective Parish Councils.
- Reference is made to affordable housing. Cubley has a sufficient supply of affordable housing.
In support of the application the following comments have been received:

- I am both a neighbour and employee of Hallmark Tractors. It is a daily challenge with regards to space due to the premises size, having a larger premises would potentially provide more jobs in the area as well as enabling Hallmark to provide a more enhanced service to the agricultural industry, which desperately needs support and ease where possible. Having a larger premises with a drive set back from the road would also be 100% safer as occasionally lorries delivering/collecting goods have struggled to enter our drive way when we are full with staff and customers cars and tractors. I must also mention that at present two members of staff are working permanently in porter cabins, which in such an environment (as an agricultural dealership) can get extremely dusty not to mention overly warm/cold during the summer and winter months.

- Affordable but attractive housing in keeping with the area is definitely a huge benefit in all this, having a young family myself I would be delighted to see affordable yet suitable housing to match the area.

- I have worked at Hallmark Tractors Cubley since its opening in October 1995, when we took over the area after the demise of Peter Davies Tractors who were based in Uttoxeter. Ford Motor Company as it was then, had looked upon the depot to have a potential to sell 7-9 new Tractors per year. At the time the depot consisted of a branch manager, a parts assistant, 1 sales representative and 3 workshop staff, the company showed slow growth over its first 5 years when it eventually reached a turnover of £1 million in the year 2000. It was at this point the depot had a change of management and the company really started to grow. By 2008 we had seen a 700% growth over 2000 and had delivered 90 new Tractors and 130 used in that year alone. In 2016 we had a turnover of over £10 million and 2017 is looking like we will turn over £12 million. All of this adding to our issue of space. I regularly have customers in who advise that they were unable to park on our frontage and have had to come back at a later time or abandon their visit altogether. This has, and will always affect our business and is something I have tried improve unsuccessfully.

- While I appreciate many people think that our business would be better suited in an industrial estate, I am positive a major factor in our continued growth is where we are based and being in the midst of our customers, also being in easy reach of the A515/A50 has been paramount to our success, and has enabled us to keep growing the company. Some dealers I know are based in industrial estates on the edge of a town, which unfortunately acts as a natural obstacle and will deter many from using that business, especially in congested times of the day. If a Combine harvester requires attention, that need resolving in the depot, you don't want to be driving through a town where it's difficult to navigate a large machine, also these sites are not suitable places when dealing with Manure and silage effluent as we have the need to at times.

- Another major consideration is the innovation of agriculture and the changes we see today. Our industry has evolved substantially in the last few years, with us now having the need to sell many Tractors and Combines with Auto Guidance systems installed, (We currently have over 20 Tractors on order with this system), this being a system whereby the tractor steers, controls and maps fields via satellite communication to aid in fuel savings, and increase productivity in an ever more competitive world market that are customers see themselves in, and being part of this innovation is essential for our companies future success. Currently we are unable to test and calibrate these on site as an area of land is required to test, if not resolved this will eventually exclude us from future business in this growing and extremely important sector of future farming.

- The lack of space has resulted in many incidents on the front. My car has been damaged on three separate occasions as have other staff and customer vehicles. There is no turning space.
Our premises are tired and in need of improvement. They were never intended to have the throughput of business that it currently has seen.

Houses would improve the area making the approach very pleasing to the eye. I have shown an interest in buying one as have other staff.

The new building for Hallmark Tractors would offer support for local employment as we need more staff now but it’s just impossible to employ anyone due to room and health and safety concerns. We could then offer better support for the local farming community and the visual impact on both the houses and premises would be vastly improved as would the safety of the highways.

One further letter of representation in respect of the amended plans has been received, objecting to the development on the following grounds:

- The proposed properties at the rear are the same as before, with the garage right on our boundary. Will you now have to dismiss the representations of two of the employees because the affordable housing they are in favour of are now no longer in the plan?
- To keep the existing unit as industrial use and the new proposed unit would mean that all the existing houses are surrounded by industrial units, if they are all owned by the Russell group then all will be surrounded with the mess that they think is acceptable to leave.
- Part of the planning constraints from previous applications refer to working hours at the site, again these are not adhered to now, so probably will not be in the future, so we will have that to look to from all surrounding sides at all hours of the day and night.

7. ISSUES:

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions by Local Planning Authorities on planning applications are taken in accordance with the development plan unless material considerations indicate otherwise.

7.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012) (NPPF). The NPPF was published in March 2012. Whilst the NPPF does not change the statutory status of the development plan as the starting point for decision-making, policies contained within the Framework are material considerations which must be taken into account.

7.3 Housing and employment policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing and employment development beyond the plan period and are based on outdated housing and employment needs information. Such policies are therefore considered to be out of date for the purposes of NPPF paragraph 14. The NPPF advises where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.4 The Deposit Draft Derbyshire Dales Local Plan is at an advanced stage, in that the main modifications have now been consulted on, following consideration of the EiP matters set out by the appointed Inspector. Whilst it is considered that significant weight can be given to policies contained with the emerging local plan given the nature of the modifications made, policies cannot be given full weight until the appointed inspector considers the consultation responses that have been received, produces his report into the EiP and the plan is formally adopted.
7.5 The application seeks full planning permission for a new purpose built B2/B8 building on agricultural land to the north of the existing business premise. The delivery of this building, based on the case put forward by the applicant, is dependent on the partial redevelopment of the existing employment site for housing. The two elements are therefore interlinked.

7.6 Having regard to the relevant policies of the adopted and emerging local plans which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF), consultation responses received and comments from the public, the main issues to assess are:

- The acceptability of constructing a new building for B2/B8 use of the scale proposed on agricultural land to the north of the existing business premise and associated loss of grade 2 agricultural land;
- The impact of the building on the character and appearance of this part of the countryside / local landscape;
- The loss of part of the existing employment site and acceptability of redeveloping this part of the site for housing;
- Impact of the development on the occupants of nearby residential dwellings;
- Highway safety, and;
- The Planning Balance.

Subject to conditions officers are satisfied that the development can be accommodated on site, without adversely affecting wildlife / species protected by law and that the land drainage proposals would satisfy planning practice guidance and emerging Derbyshire Dales Local Plan Policy S2.

The acceptability of constructing a new building for B2/B8 use in the location and of the scale proposed and associated loss of grade 2 agricultural land

7.7 Hallmark Tractors has operated from the site for over 20 years. Permission was granted in 2008 and 2009 to extend the main building and to use the land at the rear for storage in association with the existing use (Use Class B2) which includes the sales, service and repair of agricultural machinery. The applicant, Russell Group, having recently acquired the site relocated stock and services from a similar business at Ashby de la Zouch to the Hallmark Tractors site at Cubley, which has put significant pressure on the existing site which is no longer adequate to meet the operational needs of the business. The applicant advises that the inefficiencies of the operations are impacting upon the safety of the site, service provided and employee welfare, which is leading to increased cost and significant impracticalities. The applicant therefore seeks to accommodate the business in a new multifunctional building on land to the north, which they have entered into an option on and sell off part of the existing site with permission for some residential development to help fund this project. The main building and forecourt will be retained for employment use unconnected to the existing business. The nature of the development proposal is such that the new building for B2/B8 use cannot strictly be said to constitute extension or expansion of the existing business but rather it is a relocation of a well-established local business which has outgrown its premises onto immediately adjoining land. The policy analysis needs to reflect on this unusual circumstance.

7.8 Policies in the emerging Derbyshire Dales local plan align with guidance contained within the NPPF and support commercial enterprises in the countryside where a rural location can be justified. The site falls outside of any defined settlement in the adopted and emerging Derbyshire Dales local plans. Policy S5 of the emerging local plan states that outside defined settlement development boundaries, and sites allocated for development as defined on the Policies Map, the District Council will seek to ensure that new development protects and where possible, enhances the landscape’s intrinsic character.
and distinctiveness whilst also facilitating sustainable rural community needs, tourism and economic development. Policy EC1 deals with new and existing employment development and advises that the District Council will support proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities and training provision locally in order to enhance the economic base of the plan area. Supporting new agricultural development, farm diversification and other development, which supports the rural economy and supporting business development within the countryside in accordance with emerging Policy S5 are two ways in which it is envisaged that this will be achieved.

7.9 The applicant advises that the New Holland dealership audit outlines several key criteria that all dealers are required to incorporate to continue selling the New Holland products, including a large display area for vehicles and machinery. The large size of some vehicles, such as combine harvesters, requires special access arrangements. In additional information provided by the applicant the size of vehicles has proved an issue in urban areas and on industrial estates where customers are required to negotiate traffic calming measures, congested roads and parked vehicles. The applicant advises that such locations discourage rural based customers and adversely affected profitability at the Ashby de la Zouch site. Machinery is also tested using red diesel which cannot be tested on public highways, and as such a demonstration and machine calibration area, entirely separate from the public highway, is required. The Economic Development Manager advises that there are no sites of sufficient size available for development on the largest industrial estate at Ashbourne Airfield at the current time. In justifying the construction of a new building at Cubley the applicant advises that the existing business is well established in the rural community and has been on site for several decades. The business is centrally located for its clients and is on a known access route off the A515. Re-location of the business out of the area would, it is considered, jeopardise the profile of the business and result in the loss of customers that are rurally based. Russell Group purchased the business in this location as they valued the customer base associated with the business.

7.10 For reasons set out above, it is considered that the needs / nature of the business justifies the rural / countryside location proposed in this case. The proposal would also support the retention of the current business operation and jobs within the district. The existing business employs 19 members of staff, some of which live in the immediate vicinity of the application site. Although the application submitted stated that 5 additional members of staff will be employed, it is considered that this could be increased by a further 22 employees connected to the business.

7.11 In terms of the scale of the building proposed there are concerns that business cannot sustain a building of the size proposed without the disposal and uplift in the value of the existing site occupied by Hallmark Tractors. The loss of part of the existing employment site to housing is discussed further below. The loss of grade II agricultural land is also a disbenefit of the proposal, however Policy S5 of the emerging local plan advises that appropriate development in the countryside will be supported where any loss of the best and most versatile agricultural land is outweighed by the benefits.

The impact of this building on the character and appearance of this part of the countryside / local landscape

7.12 Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policies contained within the Adopted Derbyshire Dales Local Plan
which deal with design align with this guidance. Policy SF5 advises that planning permission will only be granted for development where… (a) the scale, density, massing, height, layout, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Similar provisions are contained within Policy EDT8 and policies S5, PD1 and PD5 of the emerging Derbyshire Dales Local Plan. Although the building will change the open character of this part of the countryside, the building would be well related to the existing development to the south. Sufficient stand-off distance between the A515 and the building will be maintained to be able to provide a suitable landscaped setting. The simple form and utilitarian appearance of the building is considered to be an appropriate response to the sites rural context. The applicant proposes to introduce new tree planting along the A515 boundary and area of woodland between the building and existing residential development to help filter views of the building and any outside storage. The new access will result in the removal and setting back of existing roadside vegetation. New supplementary planting would, however, help mitigate any adverse impacts on the local landscape.

The loss of part of the existing employment site and acceptability of redeveloping this part of the site for housing

7.13 Notwithstanding that the existing business will be accommodated on land to the north of its current location, only part of the site is to be retained in employment use. Emerging local plan policy EC3 states that development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) for non-employment uses will only be permitted where continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development and the proposed use is compatible with neighbouring uses, or an appropriate level of enabling development is required to support improvements to employment premises or supporting infrastructure. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements. The applicant has submitted amended plans which seek to retain the main buildings and surrounding land in employment use. Land at the rear of the site is, however, to be redeveloped for housing. Whilst a case has been put forward that it is no longer viable for Hallmark Tractors to operate from the site as it stands, no information has been presented to demonstrate that the existing site cannot be redeveloped / extended to meet the existing business’s needs. Furthermore, no marketing of the site has been carried out to establish whether there would be any interest in retaining the whole site in some other form of employment use. The policy does allow for an ‘appropriate level’ of enabling development to support improvements to employment premises. In this case the project is be funded entirely from bank loans and the sale of the existing site to facilitate the relocation of the business and not to improve the existing employment premises and the site has not been marketed to establish what value can be realised from the sale of the land for employment purposes. The estimated value without any residential development, in addition to the bank loans, which have been secured would cover 95% of the build costs (including the purchase of the land). Only a modest level of investment from the applicant would be required to make up the shortfall and cover contingencies, whilst retaining the existing employment use. For reasons set out above, the loss of employment on part of the site, without clear and convincing justification is considered to be a disbenefit of the proposal.

7.14 In terms of the appropriateness of housing development on the land, although a small cluster of properties are present at this cross roads this is not a settlement in local plan or the emerging plan terms and consequently the proposal amounts to housing in open countryside. All services and facilities must be accessed in settlements, which is likely to predominantly occur by use of the private car. Whilst there may be some benefit associated with the removal of a use which results in some disturbance to the occupants.
of neighbouring residential properties, as residents are protected by conditions which restrict hours of operation in respect of the extended part of the site such benefits are not considered to be significant. Although reference has been made to the delivery of affordable housing in the comments from the public, it is not the intention of the applicant to deliver affordable housing on the site nor is it considered a suitable location for such development given the limited access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport to reduce reliance on the private car.

Impact of the development on the occupants of nearby residential dwellings

7.15 The occupants of existing dwellings to the south of the site have raised concerns with regard to the scale and siting of the proposed dwellings. These matters are, however, reserved for subsequent approval. The Local Planning Authority is satisfied that the site is capable of accommodating 4 no. dwellings, laid out in an appropriate manner and of an appropriate scale so as to not result in any significant loss of existing resident’s amenity or privacy.

7.16 Some concern has been raised with regard to noise and disturbance from the new commercial building. The distance between this building and existing residential dwellings is such that noise / disturbance is unlikely to be a significant constraint to development. The conditions recommended by the Environmental Health Department relating to noise would ensure that there would be no significant adverse impact on the occupants of nearby dwellings residential amenity.

Highway safety

7.16 Representations received from the public point to the speed of vehicles travelling along the A515 and the dangers this poses to future users of the site. Concerns relating to traffic, the suitability of Oak Lane to accommodate new housing development and parking provision are also raised. The Local Highway Authority is, however, satisfied that based on the survey work carried out and additional information provided that the accesses serving the new commercial building and a development of 4 no. dwellings would be acceptable from a highway safety perspective and that an acceptable level of parking and manoeuvring space would / could be provided to serve the proposed development.

The planning balance

7.17 Given the status of the emerging local plan and on the basis that policies in the Adopted Derbyshire Dales Local Plan which deal with new housing and employment development being considered to be out of date paragraph 14 of the NPPF is engaged by this application.

7.18 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject a scheme.

7.19 The economic and social benefits of the development include the construction of a new building for B2/B8 use which would support the retention of the current business operation, which serves the rural community and create new jobs. This has to be given significant weight in the planning balance. The development would, however, involve the partial loss of the existing employment site for which there is no clear justification to deliver the new
building. Some additional employment would also be generated from the construction of a small number of houses.

7.20 In environmental terms, the new commercial building would be constructed in an open field and result in the loss of very good quality agricultural land. Whilst officers are satisfied that a rural location is justified and that with appropriate landscaping, the building would not result in significant harm to the character and appearance of this part of the countryside / local landscape to satisfy emerging local plan policies EC1 and S5, it relies upon the partial redevelopment of the existing site in employment use for housing. It is not accepted that the employment benefits of the scheme cannot be delivered without this. Dwellings in this countryside locality would have limited access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport to reduce reliance on the private car. The ability of the District Council to meet its objectively assessed housing needs and identify a rolling five year housing land supply is such that the proposed housing is not needed and would constitute an inherently unsustainable, unwarranted and non-essential form of development in the countryside.

7.21 This is a finely balanced case. The relocation of the business into adjoining land will allow it to grow and prosper generating significant additional employment and spend in the local economy. This economic benefit is substantial. However, the provision of further housing in this remote rural locality is unjustified and without a compelling argument would set a worrying precedent. The environmental harm identified above would in the final analysis it is considered significantly and demonstrably outweigh the benefits of the development in this case and a recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

8.1 That the application be refused for the following reason:

1. The new building for B2/B8 use relies upon the partial redevelopment of the existing site in employment use for housing. The remote rural location of this housing with limited access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport to reduce the reliance on the private motor vehicle and the ability of the District Council to meet its objectively assessed housing needs and identify a rolling five year housing land supply is such that the proposal would constitute an inherently unsustainable, unwarranted and non-essential form of development in the countryside. The development is therefore considered to conflict with Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005), policies S3, S5 and HC1 of the Deposit Draft Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:

Site Location and Existing Block Plan numbered H89.6/010;
Showroom/Workshop Plans and Elevations as Proposed numbered H89.6/011;
Extended Phase I Habitat Survey;
Topographical Survey;
Transport Assessment;
Travel Plan;
Flood Risk Assessment;
Phase I Desktop Study and Site Reconnaissance (Contamination Survey);
Landscape and Visual Impact Assessment, and;
Financial Justification Statement received by the District Council on the 13\textsuperscript{th} April 2017;
Rebuttal Comments in a Letter from the Applicants Agent dated 13\textsuperscript{th} June 2017;
Drainage Calculations information received by the District Council on the 17\textsuperscript{th} August;
Plan Showing Full and Outline Application Areas (Drawing Number: H89.6/0012A);
Statement Relating to Employment Opportunities;
Assessment of the Suitability of Previous Depot Sites at Ashby de la Zouch and Malton, and;
1:500 Scale Proposed Site Layout Drawing numbered H89.6/003E received by the District Council on the 26\textsuperscript{th} July 2017;
Additional Speed Reading Information and Highway Drawings numbered T16595 001 Rev A and 004 Rev D attached to an email from James Corbett dated 10\textsuperscript{th} July 2017, and;
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<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Outline application for residential development and associated access</td>
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<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mrs Pamela Fox</td>
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<td><strong>PARISH/TOWN</strong></td>
<td>Hulland Ward</td>
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<td><strong>AGENT</strong></td>
<td>Mr S Lawson of 2 Cities Planning Consultancy</td>
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<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr R Bright</td>
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<td><strong>DETERMINATION TARGET</strong></td>
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16/00832/OUT

Land East of Les Ardennes, Hulland Ward
INTRODUCTION

This application is being represented to the committee following the resolution to grant permission in March 2017 based on the recommendation seen below. Since the resolution to grant permission the Examination In Public relating to the Emerging Local Plan has been carried out and the Main Modifications to the plan have been published. The Main Modifications includes an alteration of the wording to policy HC4: Affordable Housing. The partial wording of the revised policy is as follows:

In order to address the significant need for affordable housing across the plan area, all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing.

The affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. These proportions may be varied in light of individual site circumstances and local considerations with the agreement of the District Council.

The applicant’s agent has written to the Authority advising that they are prepared to provide 30% of the total number of units on site as affordable units. This is considered to be in line with the emerging policy of the Deposit Draft Local Plan. This is a change from the initial consideration of this application by the committee and as such it is requested that the application is re-considered on the basis of 30% provision on site of affordable units and that the developer contribution required via through the S106 as noted in the recommendation reflects this.

This report remains as previously presented with the exception of the section on affordable housing and it is not considered that this change alters the planning balance.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is a green field surrounded by hedgerow situated to the south eastern edge of Hulland Ward. The field falls generally in a southerly direction. The site fronts onto a busy highway without pavements. There is a public house opposite the site with a few dwellings dotted to the east, north and west. A public footpath is located to the western side of the site.
2.0 DETAILS OF THE APPLICATION

2.1 The application has been amended to remove the reference to 23 dwellings as originally proposed as there were concerns regarding whether this number of units could fit comfortably on the site without a detailed plan appropriately demonstrating this.

2.2 Therefore, outline planning permission is sought for residential development and associated access. The access is intended to be sited at a centre point within the site frontage to maximise visibility. The internal road network is intended to be in a general ‘T’ shape with a pedestrian access to the footpath which leads to the western side of the site through the eastern corner of Charles Walker Close.

2.3 As the proposal is outline only and it is only the access for which permission is being sought at this stage, the details of house types and layout would be considered under a reserved matters application.

2.4 The applicant has submitted a number of documents to support their case which will be referred to in the Officer Appraisal section below, including:
- Tree Survey
- Ecological Appraisal
- Flood Risk Statement
- Noise Impact Statement
- Transport Assessment and Travel Plan
- Sustainability/Energy Statement
- Design and Access Statement
- Speed Readings
- Surface Water Drainage Strategy

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
2. Draft Derbyshire Dales Local Plan: -

S3: Settlement Hierarchy
Hulland Ward is third tier settlement - these villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment.

HC2: Housing Land Allocations - Draft allocation HC2(Q): Land at Les Ardennes 0.88 hectares for 18 dwellings.
HC4: Affordable housing
HC11: Housing Mix and Type

3. Other:
National Planning Policy Framework
National Planning Practice Guidance
The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan

4.0 RELEVANT PLANNING HISTORY:
WED/0691/0444 residential development (outline) – Refused.

ASR/563/3 residential development – Refused.

5.0 CONSULTATION RESPONSES
Parish / Town Council

5.1 Strongly object on the following grounds:
• The site is on a flood plain, so flood mitigation needs to be considered.
• Access is on a very busy road with poor visibility
• The development is not in character with the other properties in the village
• The development is inappropriate, too large and too dense.
• The site frontage is dangerously close to the road.
• There is an inappropriate mix of housing proposed.
• There is no pedestrian access the village.

Derbyshire County Council (Highways)

5.2 Initial response:
The road fronting this site (Derby Road) which the applicant proposes to take access from is a classified road subject to a 40mph speed restriction. Whilst the applicant has carried out an automated speed readings these are not considered to be sufficient. The speed readings should be taken as manual speed readings. During a recent site visit, it was evident that drivers regularly drove in excess of the 40mph speed limit when approaching from the east, presumably due to the roads straight alignment and change in speed limit from 40mph to the nation speed limit.

Therefore, before the Highway Authority can assess the access proposals a manual speed reading should be carried out to determine the required visibility splay.
The internal road layout should accord with the 6C’s Design Guide if it is to be adopted.

The Highway Authority does not consider the site to be in a sustainable location. Whilst facilities are available within walking distance of the site, no pedestrian footways linking this site to these facilities are available. The Highway Authority therefore recommends the applicant explores the possibility of providing a 2m wide footway across this site, and across the adjacent site to the west, linking into the existing footway to the west of Charles Walker Close.

Local Highway Authority Response to additional information submitted by the applicant:

I visited the site yesterday to measure the available emerging visibility from the proposed access location onto Derby Road. Unfortunately, due to the location of the hedgerow fronting the site, an accurate measurement from a 2.4m set back distance could not be carried out. However, judging from the submitted drawing, the available emerging visibility sightlines are in accordance with the Highway Authority’s recommendation based on the recent speed reading result’s (please refer to comments above).

This outline application is seeking approval of access only, so no detailed assessment of the indicative layout of the site is being provided at this stage. However, any future site layout should include adequate parking levels for each dwelling and sufficient manoeuvring space to enable all residents, service and delivery vehicles to enter the site, turn and exit in a forward gear. Guidance for acceptable parking/turning layouts can be found within the 6C’s design guide.

As this application site is not of a suitable size to accommodate 50+ dwellings, the proposed carriageway width of 4.8m is adequate. However, if development to the rear of this site was ever sought, which increased the total number of dwellings off this access to more than 50 dwellings, then a carriageway width of 5.5m would be required.

The application proposals provide an internal pedestrian link to the existing public footpath to the west of the site. It is recommended this section of public footpath from the internal link up to Derby Road is upgraded. Also, a 2m wide footway from the proposed access to Derby Road, up to the extremities of the site frontage to the west, is recommended. For the avoidance of doubt, these works along Derby Road will need to be carried out under a Section 278 Agreement with the Highway Authority.

Therefore, if your Authority is minded to permit the application, the Highway Authority recommends detailed conditions.

Derbyshire County Council (Education)

5.3 The proposal would generate the need for additional primary school places, secondary school places and post 16 place/s. There is not sufficient capacity to accommodate these needs and therefore contributions are required for both the primary and secondary (including post 16) phases.

Derbyshire Wildlife Trust

5.4 Sufficient survey work has been carried out. The most important features are the hedgerows and trees. All hedgerow and trees should be retained with additional planting as part of any landscaping scheme, in order to retain such features these should not be included within property curtilages but managed separately. Such elements need to be secured at the outline stage. With regard to badgers, whilst there is no sett on site there is activity in the area and therefore further badger survey work is required via condition to inform the reserved matters. If the identified trees are to be removed, bat survey work will be required and agreed prior to removal, a licence may be required. A detailed lighting
scheme will also be required. Green corridors are recommended for biodiversity. Conditions recommended.

**Landscape Design Officer (Derbyshire Dales)**

5.5 There are no objections in principle to the proposal, an application for a higher density of development is likely to put more pressure on existing landscape features at the boundaries of the site. It is important that in this sensitive area the hedgerows and hedgerow trees are retained and protected during construction and that any approved layout allows sufficient space for their long term survival and growth.

**Environmental Health (Derbyshire Dales)**

5.6 No objections

**Derbyshire Dales Ramblers**

5.7 No objection providing that footpath 2 which runs adjacent to the western side of the development is not affected in any way either during or after construction.

**Peak and Northern Footpaths**

5.8 No objection provided footpath 2 remains unobstructed at all times, the pedestrian link from the site is welcome.

**Derbyshire County Council (Flood Team)**

5.9 *Initial response:*

We are recommending a holding objection on the proposed development as it is not possible to provide informed comment until such a time that the applicant has submitted further information.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Appropriate evidence to support how the site will drain.
- Basic calculations of the greenfield/brownfield runoff and discharge rates for the site.
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location.

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

Further information was then submitted to the Flood team in the form of a detailed surface water drainage strategy.

*The Flood team response to this is summarised below:*

The applicant has not undertaken an appropriate ground investigation to support and inform the application. Therefore the application cannot demonstrate the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000. Should infiltration be demonstrated not to be viable the Lead Local Flood Authority (LLFA) would strongly encourage the preferred option to discharge to the nearby watercourse.

The suggested provision for attenuation by subterranean storage tanks would not be considered by the County Council or the Environment Agency to be classed as sustainable drainage features. It is an expectation for SuDS to be a material consideration for new development wherever this is appropriate. The suggested SuDS area is expected to be situated within the application boundary.
The recommendation to discharge to the combined sewer would be the least desirable option according as surface water would be discharged into another catchment (thus impacting local hydrology/hydrogeology) north east of the proposed site via a pumped system.

The LLFA strongly advise against utilising a pumped surface water system, surface water pumped systems should be an absolute last resort.

The current plans for the use of Sustainable Drainage Systems to dispose of surface water from the proposed development are above ground and would be considered acceptable by the LLFA. The current preferred plans demonstrate the principles and aims of Sustainable Drainage which is to improve water quality, amenity and biodiversity.

If proposals change from above ground storage to below ground storage of surface water after the consultation process of the outline application, it is highly likely and reasonable to expect that the LLFA would change their stance in regards to the proposals. This is because the surface water disposal method would no longer be considered sustainable and this would be a significant departure from the agreed proposals at the outline stage.

Conditions are recommended.

Strategic Housing Team (Derbyshire Dales)

5.10 We require 2 x 3 bed 5 person houses and 4 x 2 bed 4 person houses on this site. The internal floor areas of the 2 bed houses should be a minimum of 79 square metres and the 3 bed a minimum of 93 square metres. The remainder would be an off-site contribution.

Further comments made in response to the request for 30% on site provision –

Satisfied with the 30% provision on site in accordance with emerging policy.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 8 representations have been received. A summary of the representations is outlined below:

The submitted plans are confusing as some plans show a development of a wider area of 50 houses.

Principle
Would it not be more sensible to extend those areas already being developed which have better access into the village.
There is no evidence of additional need for housing here.
More dwellings are proposed than was envisaged in the original assessment.
Hulland Ward has already supplied over 80 dwellings, this is only a third tier settlement, surely this is enough development.
This is green belt area
The village cannot accommodate this level of growth.
Employment in the area is limited.
Don’t destroy our village.
Agricultural fields are being swallowed up leaving less room for providing local food.
No more room in the school or doctors, existing facilities would be overstretched.
There are plenty of properties for sale in the village.

Visual Impact
The properties would need to have much higher ridge levels than neighbouring properties.
The development would be cramped and out of context with surrounding development. This development would overpower neighbouring properties. The development will destroy the character of the village.

Flooding and Drainage
Existing sewerage capacity cannot take any development. The land in this area is clay and does not drain well and is prone to surface water flooding. Severn Trent improved the Hulland Ward sewage works but this did not envisage these additional houses. There are surface water problems on the field which will be exacerbated by development.

Wildlife
This field is used for ground nesting birds.

Amenity
The planting of trees would be too close to my boundary. Loss of privacy and the peaceful environment. The detail of the buildings and layout may result in further objection from us.

Highway Safety
A previous application for planning permission for a single dwelling was refused on highway grounds (07/00663/OUT) Access to amenities would involve crossing and walking along a busy road without pavements. There are large vehicles using this road. This would impact on highway safety through additional traffic. There is no pedestrian access adjacent to the Black Horse Inn or along the site frontage The visibility splays required cannot be achieved. Access is too close to the junction with the A517. There have been many accidents in this area. The footpath is maintained and owned privately and we are not prepared for it to be used by the large numbers of people that would come from this development.

7.0 OFFICER APPRAISAL
7.1 To begin with it is important to set out the current planning policy situation within which this proposal is to be assessed.

7.2 Based on new analysis of development that will come forward in the next five years it is considered that the Council can currently identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The deposit draft local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it do not have substantial weight at this time. This site is allocated in the deposit draft local plan for 18 units under policy HC2: Housing Land Allocations - Draft allocation HC2(Q).

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
7.4 In these circumstances the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

7.5 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process the key issues to consider are:

- The sustainability of Hulland Ward as a third tier settlement
- Prematurity of decision making due to the absence of local plan policies
- Land drainage and sewerage capacity
- Highway safety and footpaths
- Character and appearance
- Residential amenity
- Impacts upon ecology
- Housing mix
- Developer contributions

The sustainability of Hulland Ward as a third tier settlement

7.6 Through the emerging draft local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment it has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore the settlement hierarchy work also included an assessment of the smaller settlements as to their capacity for growth and their sustainability given the existing services and facilities that are provided.

7.7 In this case Hulland Ward, as one of the larger villages, has some limited services and facilities including a primary school. It is considered to be one of the more sustainable settlements and as such has been categorised a third tier settlement where growth can be accommodated. As noted above the site has been allocated within the deposit draft local plan as a site for the development of 18 dwellings (allocation HC2 (Q)). It is also acknowledged that given the growth of housing required across the district this cannot be fully accommodated on brownfield sites and therefore development on green fields will be necessary. Hulland Ward as one of the larger villages is considered to have capacity for growth. Even where this utilises green fields, at an appropriate scale, it can be considered sustainable.

7.8 Notwithstanding this, in considering the inherent sustainability of third tier settlements, it is clearly not appropriate to have unrestrained residential expansion which would be unsustainable in terms of heavy reliance on the private car and also lead to unwarranted encroachment into the countryside detrimental to landscape character and appearance and the setting of the settlement. It is considered that an appropriate scale of development can be achieved which would achieve a balance between meeting housing needs and sustaining local services without resulting in unsustainable expansion of the village.

Prematurity of decision making due to the absence of local plan policies

7.9 National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other
material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

7.10 This guidance goes on to advise that ‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the Local Planning Authority publicity period. Where planning permission is refused on grounds of prematurity, the Local Planning Authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

7.11 Taking full account of this guidance and given the stage of the draft local plan but taking into account that this is an allocated site within that draft plan, refusal on the grounds of prematurity cannot be justified in this case.

Land Drainage and Sewerage Capacity

7.12 From the representations of local residents it is clear there is concern that the development of this site which has issues with standing water, will cause additional surface water flooding issues in the locality. As a result of these concerns and the initial feedback from the Local Flood Authority, the applicant has submitted a detailed Surface Water Drainage Strategy. In response to this document the Local Lead Flood Authority has noted that they are satisfied with the proposal on the basis of a SuDs drainage feature being incorporated on the site e.g. a swale and have recommended detailed conditions. On this basis the proposal is considered to be acceptable in regard to appropriately managing surface water.

7.13 It is also a cause of concern for residents that the existing drainage system is not capable of accommodating further development. However, matters of foul drainage would need to be considered and agreed with the appropriate water authority and would be resolved through the construction stage of any development. It is not considered necessary to duplicate that process through the planning process.

Highway Safety and footpaths

7.14 There are a number of concerns with regard to highway safety associated with this development. The concerns are; the busy, fast and straight road which is used by heavy traffic and which it is considered by residents will become more dangerous as a result of the development, the lack of pedestrian access to and from the site and the proximity of the junction with the A517.

7.15 Concerns were originally raised in regard to this matter by the Local Highway Authority and as a result detailed speed readings were taken at the site to inform the required visibility splay. The Highway Authority has attempted to measure this splay on site but due to the presence of the hedge have not been able to accurately measure the visibility splay on site. However, the Local Highway Authority have confirmed that the required splay can be achieved based on the submitted plans. As such detailed conditions are recommended.

7.16 It is recognised that the site is not accessible by pedestrians along the roadside frontage and that the only means of pedestrian access to the village is via the public footpath located to the west of the site, where a footpath link has been indicated. In order to ensure
this footpath is useable by residents of the development some upgrading works will be required and this is included in the highway conditions. The conditions also include a footpath along the site frontage although it is acknowledge this will not meet up with any other footpath due to the absence of footways in this area and the presence of third party land.

Character and Appearance

7.17 As the application is in outline form only the submitted plans of the layout and design proposals are indicative only. In this area of Hulland ward there are a variety of house types and sizes but with many of the local properties being short terraces and smaller dwellings. It is considered that the reserved matters application will adequately control the design and appearance of development and it is considered that a design reflecting on local character and appearance can be accommodated on this site.

Residential Amenity

7.18 The original indicative layout raised concerns with regard to the extent of accommodation, impact on the amenity of neighbouring residents, lack of open space, swale facility and road layout. In view of these concerns the reference to 23 units on the site has been removed and the amended scheme is considered as an outline without an indicative layout so that the detail of the scheme can be fully considered as part of the reserved matters.

7.19 A detailed noise assessment has been submitted and the Council’s Environmental Health Officer has considered this matter and concluded there are no concerns in this regard.

Impacts upon Ecology

7.20 The application site is not considered to have significant ecological constraints. The issues identified by Derbyshire Wildlife Trust in relation to this site can be adequately mitigated and dealt with via condition or as part of the reserved matters as has been recommended. It is acknowledged that the existing hedgerow to the front of the site will not be retained due to the need to ensure adequate visibility, however it is considered that compensatory planting throughout the site through detailed conditions and as part of the reserved matters is sufficient mitigation.

Housing Mix

7.21 The Deposit Draft Local Plan in Policy HC11 requires a detailed mix of housing to try to ensure that new development meets the needs of the district as a whole by providing both larger and smaller units. As this application is outline only such matters of detail will be considered at the reserved matter stage. Furthermore the provision of affordable housing will meet the requirements of the housing team. The detailed housing mix would be considered at the reserved matters stage.

Developer Contributions

7.22 The Main Modifications to the emerging affordable housing policy HC4 seeks the provision of 30% on site affordable housing. The applicant is seeking to comply with this requirement. As such it is considered that as the proposed affordable housing provision will be in full accordance with emerging policy requirements this provision is acceptable. The Council’s Strategic Housing Team are satisfied with this provision.

7.23 Derbyshire County Council has noted that this proposal will increase the need for primary, secondary and post 16 places school places and has requested a financial contribution in this regard. The applicant has agreed to this and therefore the need to provide developer
contributions in this case has been fully met by the applicant. These matters will be subject to inclusion within a S106 agreement.

7.24 Through the reserved matters application it is expected that there will be provision for on-site play area/open space. A condition will be necessary to secure this within the reserved matters layout.

Conclusion

7.25 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.26 Recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have been afforded no weight in the decision making process.

7.27 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.28 Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan, including this site, will provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. It is, however, important to consider the social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

7.29 In this case the social role would be met through the delivery of 30% on-site affordable housing to meet the needs of the district in a sustainable location within close proximity to the services and facilities provided within the village of Hulland Ward. It is likely that the resultant reserved matters application will need to provide smaller units on the site to accommodate other on site facilities. This will better balance with the aim of the Deposit Draft Local Plan to provide a balance of smaller and larger units on development sites.

7.30 The economic role would be served by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction whilst also adding to the vitality and viability of existing services.

7.31 In terms of the environmental role the development of this site can be achieved in a manner that will contribute positively to the character and appearance of the locality with additional planting to enhance biodiversity. It is acknowledged that there is a lack of pedestrian linkages to and from the site. However, the adjacent footpath which would be upgraded would provide some link to the village so that resident may access services on foot. Therefore, on balance, the environmental role of sustainability has been met.

7.32 Hulland Ward has been assessed as a sustainable settlement where additional growth can be accommodated and where such growth will aid the viability of local services. It is acknowledged however that despite the local services and facilities in Hulland Ward many journeys will need to be made by the private motor car. The provision of residential development on this site is not considered to result in disbenefits that cannot be mitigated.
against with appropriate conditions, therefore the proposal meets the requirements of sustainability.

7.33 When all of the above matters are weighed in the balance along with the draft allocation of the site, it is considered that the presumption in favour of development should prevail as there is no significant and demonstrable harm from the development which cannot be mitigated against through appropriate conditions and legal agreement.

8.0 RECOMMENDATION

8.1 That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site of 30%, the contribution towards primary school, secondary and post 16 places and subject to conditions covering the following matters: -

1. Condition ST01a: Time limit on Outline

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
   a) the scale of the development;
   b) the layout of the development;
   c) the external appearance of the development;
   d) the landscaping of the site.

   The development shall thereafter be implemented in accordance with the approved details.

3. This permission relates to the application as amended by revised plan no. 103 received by the Local Planning Authority on the 6th March 2017.

4. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior commencement of the development.

   The content of the LEMP shall include the following.
   a) Description and evaluation of features to be managed.
   b) Ecological trends and constraints on site that might influence management.
   c) Aims and objectives of management.
   d) Appropriate management options for achieving aims and objectives.
   e) Prescriptions for management actions.
   f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-five-year period).
   g) Details of the body or organization responsible for implementation of the plan.
   h) Ongoing monitoring and remedial measures.

   The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

   The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

   The approved plan will be implemented in accordance with the approved details.

5. Along with the submission of the reserved matters the following shall be submitted:
   - Detail of all trees to be retained and removed
   - A bat survey relating to any trees to be removed – a licence from Natural England may be required in this regard.
A scheme for the protection of trees during construction shall be submitted
The submission of a detailed badger survey carried out by a suitably qualified ecologist
A detailed lighting scheme with sensitive, timed and directional lighting for the site designed to minimise any adverse effects of lighting upon habitats.

6. Along with the submission of the reserved matters details of public open space and play area shall be submitted along with a detailed management plan for the long term maintenance of the facility.

7. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

8. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

9. No development shall be commenced until a temporary access for construction purposes has been provided to Derby Road in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

10. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

11. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

12. Prior to occupation of any dwelling, a new vehicular access shall be formed to Derby Road in accordance with the revised application drawing NoA3023 01, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 140 metres to the east and 91 metres to the west, measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

13. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained within the Manual for Streets document issued by the Departments for Transport and Communities and Local Government.
14. Prior to the occupation of each dwelling, the proposed estate streets between that dwelling and the existing public highway shall be laid out in accordance with the scheme approved in accordance with Condition 5 above, or as subsequently revised and approved in writing by the Local Planning Authority, constructed to base level, drained and lighted in accordance with the County Council’s specification for new housing development roads.

15. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, laid out in accordance with the scheme approved in accordance with Condition 5 above, or as subsequently revised and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

16. No dwelling shall be occupied until the section of public footpath to the west of the site, linking the proposed internal pedestrian link to Derby Road in accordance with application drawing No 000-G4A-00-00-DR-A-103 has been upgraded, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

17. No dwelling shall be occupied until a 2m wide footway has been provided from the proposed access to Derby Road, up to the extremities of the site frontage to the west, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

18. The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 5 above shall provide for bin stores within private land at the highway end of the private accesses, to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate to and shall be retained free from any impediment to their designated use thereafter.

19. Unless otherwise agreed in writing with the Local Planning Authority, the proposed access driveways/parking spaces to the new estate streets shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.

20. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highway Authority, no works shall commence on site until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained accordingly thereafter.

Reasons:

1. ST01a
2. ST03a (delete d – access)
3. For the avoidance of doubt.
4-5. In the interests of ecology and biodiversity in accordance with policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local plan and guidance contained within the National Planning Policy Framework.

6. To ensure appropriate provision of open space in accordance with Policy L6 of the Adopted Derbyshire Dales Local plan and guidance contained within the National Planning Policy Framework.
7. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

8. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   I. into the ground (infiltration);
   II. to a surface water body;
   III. to a surface water sewer, highway drain, or another drainage system;
   IV. to a combined sewer.

9-20. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to highway safety and land drainage.

2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. Highway footnotes:

A. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

B. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – kevin.barton@derbyshire.gov.uk.
applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

C. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

D. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g.; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

E. The application site is affected by a public Right of Way, Footpath No 2 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-

- The granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

F. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

4. Footnotes from the Lead Local Flood Authority:

The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status. strategy for the proposed development be required.

The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

OVERCOMING OBJECTIONS AND DISCHARGING CONDITIONS:
To discharge the conditions the applicant should ensure all of the below parameters have been satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems:
   - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
   - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
   - Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   - Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
   - Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:
   I. Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.
   II. If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:
      i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,
      ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or
      iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.
   III. If a gravity connection cannot be utilised on site the following evidence should be provided:
- A scenario of the flood pathways should the pumped system fail showing there would be no flood risk to any properties.
- A detailed contingency plan subject to the designed drainage system failing.

5. This decision notice relates to the following documents:
Amended site plan no. 103 received 06.03.17
Speed readings received 20.02.17
Surface water drainage strategy received 20.02.17
Tree Survey dated October 2016
Ecological Appraisal dated October 2016
Flood Risk Statement dated October 2016
Noise Impact Statement dated October 2016
Transport Assessment and Travel Plan dated October 2016
Sustainability/Energy Statement dated October 2016
Design and Access Statement received 19.12.16
<table>
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<tr>
<th>APPLICATION NUMBER</th>
<th>17/00337/FUL</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land South Of Old Derby Road, Ashbourne</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of 151 dwellings, access and associated works</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. C. Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Ricky Smith</td>
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<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>n/a</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor Donnelly</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>8th September 2017</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required. Members have previously visited the site on the 17th January 2017.</td>
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**MATERIAL PLANNING ISSUES**

- Site history and relationship to previous approvals for housing development on the site, and;
- The quality of the proposed development, the impact on the character and appearance of the area and the implications of the re-plan on housing mix, delivery of affordable housing, open space provision, drainage and amenity of nearby residents.

**RECOMMENDATION**

Approval subject to the applicant entering into a linking agreement and conditions.
17/00337/FUL

Land Off Old Derby Road, Ashbourne

Derbyshire Dales District Council

Date: 24/08/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100,
website www.derbyshiredales.gov.uk
1. **THE SITE AND SURROUNDINGS**

1.1. The application relates to part of a larger site approved for housing to the south east of the built up area of Ashbourne, off Derby Road. To the north west is the recently constructed housing site at Willow Meadow Farm which adjoins an existing suburban estate which form the remainder of the northern boundary. A stream marks a fold in the landscape between the site and existing housing and runs down from north east to south west. The line of this brook is tree lined with the tree cover increasing in amount generally as you move down from north east to south west.

1.2. The wider site comprises of 4 fields with the largest being that which fronts onto Old Derby Road and bounds the curtilage of the Hill Top Farm (see photograph 3) and the listed Old Toll House to the north east. The application site relates specifically to an irregular shaped parcel of land some 5.4ha in area set 60+ m in from Derby Road.

2. **DETAILS OF THE APPLICATION**

2.1. The application involves the re-plan of 138 of the 200 plots covered by the reserved matters application 16/00450/REM. It is presented as a full planning application as the overall number of new dwellings that are now being proposed would fall outside of the scope of the original outline permission (code ref. 13/00911/OUT) which was allowed at appeal. The proposals represent an increase in built development from 200 to 213 dwellings. Out of the additional 13 no. dwellings, 3 no. will be affordable. The re-plan
increases the density of development in the central part of the site and along the southern boundary and involves the substitution of house types.

2.2 Three new house types on the replan layout are proposed, which comprise updated versions of previously approved house types within the scheme. These house types are as follows:

- The P204 has replaced the P206, both of which are small, two bedroom, two storey terraced house types.
- The H436 has replaced the H485, both of which are dual aspect, four bedroom, two storey detached house types.
- The H349 is a new three bed integral garage house type which has been introduced within the scheme on two plots (102 and 108), which have been plotted to take advantage of larger plot depths in these areas.

2.3 A linking agreement accompanies the application which seeks to secure the original planning obligations / developer contributions approved in respect of the original outline applications (which were set out on a pro-rata basis).

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

Adopted Derbyshire Dales Local Plan (2005):
SF4: Development in the Countryside
SF5: Design and Appearance of Development
SF7: Waste Management and Recycling
H4: Housing Development outside Settlement Framework Boundaries
H10: Affordable Housing within the Settlement Framework of Market Towns
H13: Affordable Housing Exceptional Sites in Rural Areas
NBE5: Development Affecting Species Protected by Law or Are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important In the Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting a Listed Building
NBE24: Archaeological Sites and Heritage Features
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
TR1: Access Requirements and the Impact Of New Development
TR2: Travel Plans
CS8: Provision of Community Infrastructure
L6: Outdoor Playing and Play Space in New Housing Developments
L9: Safeguarding Public Rights Of Way

Derbyshire Dales Local Plan Deposit Draft Plan:
S2 Sustainable Development Principles
S3 Settlement Hierarchy
PD1 Design and Place Making
PD5 Landscape Character
PD8 Flood Risk Management and Water Quality
PD6 Trees, Hedgerows and Woodland
HC1 Location of Housing Development
HC4 Affordable Housing
HC11 Housing Mix and Type
4. RELEVANT PLANNING HISTORY:

16/00450/REM Residential development - reserved matters application for the erection of 200 dwellings and associated works (Outline permission 13/00911/OUT) - Granted

13/00911/OUT Residential Development of up to 200 dwellings, with public open space, highway improvements and landscaping – Refused – Allowed on appeal subject to legal undertaking

5. CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

No objections. However, make the following comments:

*Members couldn’t see why 50% of the affordable housing should be off site and think the Planning Policy should be reviewed to enable more onsite housing.*

*The housing mix is not in accordance with the Local Plan or the Housing Needs Assessment and there should be a greater proportion of 1 to 2 bedroom houses.*

*S106 money should be considered for the provision of open spaces/leisure and play areas in Ashbourne.*

5.2 Local Highway Authority:

The scale of development will obviously increase vehicle activity over and above the consented quantum of development, however, in context of existing committed development in the Ashbourne area and development identified within the Emerging Local Plan, the increase of just 13 no. dwellings for this site is unlikely to be a material consideration or one that would justify an objection on highway safety grounds being raised, on the basis of severe impact.

In terms of the layout of the new estate roads some very slight modifications were sought. These modifications have since been incorporated into the design / layout of the development and amended plans submitted.

5.3 Derbyshire Wildlife Trust:

There currently is a lack of submitted information for DWT to fully assess and comment on the application. That being said, if a landscape plan along with the ecology report is submitted, DWT will be able to review the information and provide comments. Consideration to the existing habitats should be undertaken, along with enhancements and potentially the scheme having a positive net gain in biodiversity, will be welcomed. An updated site layout plan has been provided and it appears there is a reduction of open space within the proposals.

The previous application was 2013, if the ecology report was undertaken in 2013, it would be considered out of date. Normally habitat surveys are considered valid (depending on land use) for two years, whereas protected species surveys (such as bats and GCN) are valid for 12-18months, depending on results.
The proposed development will largely take previously undeveloped land, and the ecological assessment work must therefore play a pivotal role in informing the site layout and which areas are to remain unbuilt. Site master planning and layout should have regard to the existing site constraints and opportunities, with existing landscape and biodiversity features retained and enhanced, wherever possible, providing a network around which a built development can be designed.

Unfortunately insufficient information has been provided in the consultation documents to enable the Derbyshire Wildlife Trust to make an informed assessment of whether the proposal would have any adverse ecological impacts and to advise the local planning authority accordingly as to whether the proposal complies with relevant legislation and policies relating to biodiversity.

5.4 Environmental Health (Derbyshire Dales District Council):

No objections.

5.5 Derbyshire County Council (Strategic Planning):

In their consultation response the County Council have assumed that the development involved a reduction in the overall number of dwellings. Based on an increase in density of 13 units the County Council have advised verbally that they would agree to a linking agreement which secures contributions towards school places in accordance with the previous outline application, which are calculated on a pro rata basis.

5.6 Derbyshire County Council Land Drainage:

No comments received.

5.7 Development Control Archaeologist:

The proposal site is substantial the same as that applied for under 13/00911/OUT. A geophysical survey was carried out in the context of this earlier application, showing no evidence of archaeological significance beyond very faint trending probably associated with ridge and furrow cultivation in the medieval period, and certainly no evidence for prehistoric burial monuments (of which there are a number of known examples in the general vicinity, the closest about 540m from the proposal boundary).

While geophysical survey is not foolproof in detecting archaeological remains, particularly in relation to the more ephemeral types of archaeology such as those associated with seasonal prehistoric activity, the evidence suggests on balance that there are no substantial or highly significant archaeological remains within the site. I therefore advise that the policies at NPPF chapter 12 do not support any further archaeological work on this site.

5.8 Environment Agency:

Do not wish to comment.

5.9 Designing Out Crime Officer:

The parking court to the rear of plots 179-181 is out of view of associated housing and likely to lead to unregulated front of plot parking.
There are pedestrian through routes tight up to some house curtilage where a knee rail provides inadequate definition between private and public space, and would be better set as a 1.2m high railing. These are between plots 116/117 and 152/153, 157-160 and 164/165, 167/168 and 169.

There are a number of set-back rear garden routes which allow unsecured access to the side and rear of plots which should be secured at their head with a communal gate which is key lockable from both sides.


Suffolk latches are not an acceptable means of securing private garden gating and should be replaced with a lockable latch, hasp and staple of morticed lock.

5.10 Peak and Northern Footpaths Society:

Object to this application because of the effect which it would have on the enjoyment of the use of the public footpath FP 25 Ashbourne. This path is a key link from the urban areas of Ashbourne to the countryside to the south of Ashbourne and is also a very enjoyable path in its own right, running across open fields. The whole character of the path would be destroyed by the development. However, if the council is minded to approve the application, the footpath must be protected as far as possible e.g. with planting to screen the site from users. The path would have greatly increased use if the development took place, so the footbridge over which the path enters the site must be improved and the stile removed. The path would become an even more valuable link across the A50, and the developers should contribute to a footbridge over this road. If any of the current legal width of the path would be blocked by any fence, wall or other structure, temporarily or permanently, the path must be diverted by means of a legal order with a suitable alternative route provided.

5.11 Derbyshire Dales Group of the Ramblers:

No objections providing that FP 25 which is known as Centenary Way and passes through the SW corner of the development is dealt with sympathetically.

5.12 Landscape Officer (Derbyshire Dales District Council):

The majority of landscape proposals associated with open space and Old Derby Road frontage - attached to, and approved, as part of the earlier permission - fall beyond the boundaries of this application.

Landscape details submitted as part of this application are largely in accordance with the principles of those approved as part of the earlier permission.

As a consequence there are no objections to the application.

6. REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received, one seeking clarification on what the application involves. Other representations received raise the following concerns:

I do hope that all the trees and hedges will remain.
A need to retain footpath access and route without any diversion.
Loss of prime agricultural land.
Loss of wildlife habitat.
Sacrifice of many mature and healthy oak trees and hedgerow trees.
The adverse effect of yet more traffic and associated air pollution on an increasingly busy junction.
The effect on the brook and its vegetation.
Sufficient land has been allocated elsewhere.
We are presently suffering from noise and vibration from heavy earth moving machinery and dust and mud on the road.
Assurances are sought that wildlife will be considered and protected.
If the application is for an additional 151 houses we object to expanding the development to such a huge size.

7. OFFICER APPRAISAL

Site history and relationship to previous approvals for housing development on the site

7.1 Although this application seeks full planning permission for 151 dwellings, it essentially relates to a re-plan of a small part of the development approved under application code ref. 16/00450/REM to accommodate 13 additional dwellings and update three house types. The applicant has commenced development on the consented outline and reserved matters applications (outside of the site boundary).

The quality of the proposed development, the impact on the character and appearance of the area and the implications of the re-plan on housing mix, delivery of affordable housing, open space provision, drainage and amenity of nearby residents

7.2 Emerging development plan policies and guidance contained within the NPPF support the full and effective use of land for new development. The increase in density in the central part of the site and along the southern boundary can be achieved without adversely impacting on the quality of the previously approved development.

7.3 A greater number of smaller and affordable units will also be delivered on the back of the application and increased developer contributions towards school places, which would be linked to the original outline application and calculated on a pro-rata basis. Open space would not be affected, nor would the route and enjoyment of existing public rights of way. Three house types have been upgraded/substituted; however, only minor modifications to their appearance are sought. There will be no increase in the number of house types and strong cohesive streetscenes would be maintained throughout the development site. Despite the concerns raised by the public regarding the traffic at the Preston’s Garage road junction, the Local Highway Authority have advised that the addition of just 13 no. dwellings (in the context of existing committed development in the Ashbourne area) would not result in severe highway impacts, such that a recommendation of refusal could be sustained on such grounds. Development adjacent to existing dwellings at Hill Top has been reconsidered so as to not result in any significant overlooking/loss of privacy. Development adjacent other neighbouring dwellings has not changed. The re-plan therefore represents an improvement on the layout agreed in respect of reserved matters application 16/00450/REM.

7.4 Wildlife enhancements and measures to secure protected species have been secured on the back of the previously consented outline and reserved matters applications. These conditions and other conditions imposed in respect of land drainage, the external appearance of the development, highway safety and the delivery and management of affordable housing and open space/landscaping, removal of PD rights to certain plots and noise attenuation will need to be repeated in respect of this full application. Subject to conditions which secure the above and the applicant entering into a linking agreement to secure the original planning obligations/developer contributions approved in respect of the original outline application it is recommended that the application be approved.
8. RECOMMENDATION

That planning permission be granted subject to the applicant entering into a linking agreement to secure the original planning obligations / developer contributions approved in respect of the outline application 13/00911/OUT and authority be delegated to the Development Manager to impose conditions to cover the following:

1. Measures to secure biodiversity enhancements and safeguard protected species
2. Land drainage
3. The external appearance of the development
4. Highway safety
5. The delivery and management of open space / appropriate landscaping
6. Removal of PD rights to certain plots, and;
7. Noise attenuation
APPLICATION NUMBER: 17/00498/REM

SITE ADDRESS: LAND AND BUILDINGS ADJACENT OLD HALL FARM, PEARL BANK, MARSTON MONTGOMERY

DESCRIPTION OF DEVELOPMENT: RESIDENTIAL DEVELOPMENT OF 22 DWELLINGS

CASE OFFICER: Mr. Andrew Stock
APPLICATION: Wildgoose Ltd

PARISH/TOWN: Marston Montgomery
AGENT: Urban Designs Ltd

WARD MEMBER(S): Cllr. A. Morley
DETERMINATION TARGET: 14th September 2017

REASON FOR DETERMINATION BY COMMITTEE: Major
REASON FOR SITE VISIT (IF APPLICABLE): Not required.

MATERIAL PLANNING ISSUES:
- General layout and design
- Landscape and visual impact
- Heritage Assets
- Housing mix and level of affordable housing
- Highway safety
- Impact on residential amenity
- Other matters

RECOMMENDATION:
Approval
Land And Buildings Adj. Old Hall Farm, Marston Montgomery
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is located on the eastern side of the village and comprises a field and a complex of farm buildings, equating to some 2.13 hectares in area, which are associated with Old Hall Farm. The field is bounded to the south by hedgerow and Barway, beyond which there are residential properties. To the east of the site, the field stretches into other fields across which a public footpath runs in a north-south direction. To the west is the access Road to Old Hall Farm and residential properties beyond which is the Grade II* listed Parish Church. To the north of Old Hall Farmhouse are a range of traditional and modern agricultural buildings and farm paraphernalia.
2. DETAILS OF THE APPLICATION

2.1 This application seeks approval of all matters which were reserved in respect of outline application 16/00182/OUT including access, drainage, appearance, landscaping, layout and scale. A total of 22 dwelling are proposed, in line with the outline permission.

2.2 The development would be accessed off Riggs Lane/Barway. The access will run up through the site with the access road passing just to the east of Old Hall Farm House.

2.3 The applicants supporting information describes the development to consist of three areas and two landscape features:

Character Area 1: – Village Housing.
This is proposed to be mainly detached, low density development similar in scale to the houses on Riggs Lane and Barway, and incorporate some tandem development. The gardens of some of the properties running along the eastern side of the site are proposed to extend into the area of medium landscape sensitivity and the extent of this incursion is shown on the parameters plan. Within the area of medium landscape sensitivity there will be no dwellings or garages, although it is proposed that garden sheds and other outbuildings could be reasonably accommodated in this area.

Character Area 2: - Affordable housing.
This is proposed to be simple in form and character and likely to take a courtyard form to the north of Old Hall Farm on the site of the older part of the farm complex. It is advised that the type and nature of the affordable housing will reflect local housing needs and the applicant acknowledges that the District Council’s Housing Section has requested a mix of single and two storey dwellings.

Character Area 3: - Hamlet.
This is proposed in the north east area of the site and is proposed to be an informal collection of dwellings, accessed using a series of private drives which the applicant considers should reflect the informal character of the village and rural housing generally.

Landscape Feature 1: Village Green
This is proposed to be located on the western side of the site entrance, to retain the open character of the junction with Pearl Bank and Riggs Lane and to provide for surface water balancing. It is also proposed to maintain an open aspect to the church entrance and provide a local amenity. The applicants advise that village green would include seating and a new pedestrian link from the access road to the church path.

Landscape Feature 2: - Visual Break
A visual break is proposed between Character Area 1 and Character Areas 2 and 3. The applicant advises that this could take the form of tree planting or could be a small green...
area with hedges and hedgerow trees or a mix of the two. The aim would be to provide a transition between the upper and lower parts of the site.

2.4 The housing mix comprises 13 detached houses, 4 semi-detached houses and 5 terraced houses comprising 3 affordable bungalows and 2 affordable houses.

2.5 Materials recommended for use within the development consist of red brick, light render and tiled roofs which can be seen on submitted elevation drawings. However, no specific materials have been provided.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4 Housing Development Outside Settlement Framework Boundaries
- SF5 Design and Appearance of Development
- SF7 Waste Management and Recycling
- SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
- H9 Design and Appearance of New Housing
- H11 Affordable Housing within the Settlement Frameworks of Other Settlements
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE6 Trees and Woodlands
- NBE7 Features Important in The Landscape
- NBE8 Landscape Character
- NBE12 Foul Sewage
- NBE16 Development Affecting a Listed Building
- NBE26 Landscape Design in Association with New Development
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan:
- Policy S2 Sustainable Development Principles
- Policy S3 Settlement Hierarchy
- Policy PD1 Design and Place Making
- Policy PD2 Protecting the Historic Environment
- Policy PD3 Biodiversity and the Natural Environment
- Policy PD4 Green Infrastructure
- Policy PD5 Landscape Character
- Policy PD8 Flood Risk Management and Water Quality
- Policy HC1 Location of Housing Development
- Policy HC4 Affordable Housing
- Policy HC5 Meeting Local Affordable Housing Need (Exception Sites)
- Policy HC11 Housing Mix and Type

3.3 Other:
- National Planning Practice Guidance

4. **RELEVANT PLANNING HISTORY**

16/00182/OUT Residential development for up to 22 dwellings subject to Section 106 Agreement requiring 30% affordable housing provision GRANTED
5. CONSULTATION RESPONSES

5.1 Parish Council
At a meeting of Marston Montgomery Parish Council it was agreed to support this application with the following reservations:-

The entrance to the site is deemed to be unsuitable due to the amount of traffic using Riggs Lane which is very narrow just above the entrance. Whilst a traffic survey was taken prior to the outline application this was deemed to have been taken at the wrong time and the Parish Council would like to see another conducted between 7 a.m. and 9 a.m. and 5 p.m. and 6 p.m.

A survey of private drains in the vicinity of the site should be carried out to check that they would be capable of taking any extra water from the site.

The position of Plot 20 on the site is likely to affect the owner of Jubilee Cottage by overlooking her bedroom and bathroom windows.

5.2 Derbyshire County Council (Highways)

Initial response:
Whilst a 2m wide footway fronting the site is shown to the south east of the proposed new estate street junction, which will secure the emerging visibility splay in this direction, only a 1m margin is shown on the opposite side of the junction. It is recommended that the margin is increased to 2m where it falls within existing highway, to provide pedestrian refuse for pedestrians approaching from the north west.

There is currently an informal layby to the north east of the proposed junction, which appears to be in frequent use, given the condition of this area. It is recommended that this is formalised as part of the development works, with the kerb line forming the junction being extended around the rear of the layby, with resurfacing also being carried out.

The proposed estate street is shown with a 7.8m wide corridor comprising a 4.8m wide carriageway, 2m wide footway and 1m wide margin, which is in accordance with current adoptable criteria. However, a swept path analysis will also need to be carried out to demonstrate that a large refuse vehicle can easily negotiate the bends and turning head without over running footways or margins.

Minimum 25m forward visibility is required across the bends adjacent to plot numbers 1 and 21, the areas in advance of the forward visibility being laid out as adoptable footway to ensure that the sightlines are secured throughout the life of the development. This will require a modification to the layout adjacent to plot number 1.

The area of carriageway and footways leading to plot numbers 18 to 20 should not be laid out as part of the adoptable estate street. This will require modification to a shared private driveway with the adoptable footway continuing around the outside of the bend. A shared bin collection point should also be provided, given the distance that plot numbers 19 and 20 will be away from the adoptable highway.

The 2 proposed trees directly to the front of plot number 21 are likely to obstruct emerging visibility from the vehicular access to plot number 22 (possibly 21 as well) and they should therefore be relocated clear of 2.4m x 25m emerging visibility splays.
Whilst the proposed courtyard would not be considered for adoption, the initial section of shared private driveway should ideally be laid out at 4.8m wide to allow for 2 way traffic, given the number of plots served off the courtyard.

The 2 proposed trees within the courtyard area fronting plot numbers 5 and 6 appear to restrict access to adjacent parking spaces and should therefore be relocated.

Given that there are a number of modifications required to address the above issues, can you please ask the applicant to provide revised details. Can you please notify the Highway Authority if your Authority is minded to approve the application, in order that suitable conditions and notes can be recommended to be included in any consent.

Second response:
I refer to revised application details, which were received via email on 18 August 2017 for highway comments. Both drawings now show the formation of the layby area within the existing area, which is generally acceptable from a highway viewpoint. The precise layout and construction details will need to be finalised as part of a separate highway works agreement, subject to planning consent being granted.

Drawing number 843-00-04 R1 appears to indicate the proposed new footway extending across the site frontage to the north, whereas this is not as clear on drawing number 2017-466-02 E. However, this element can be conditioned in any approval.

The footway has now been widened outside plot number 21 to accommodate the forward visibility and is therefore acceptable.

Whilst the extent of the forward visibility has been shown outside plot number 1, the area in advance of the forward visibility is still shown outside the limits of the adoptable highway, with a note stating that this area will be included within management company maintained land i.e. private. Whilst this would not be a highway reason for recommending refusal of the application, this would be an issue for the adoption of the estate street. To ensure that the forward visibility is secured throughout the life of the development the area needs to be adopted, whereas there is no guarantee that a management company will maintain this area indefinitely. The proposed estate street would therefore need to remain private and maintained by a management company unless the layout is modified.

If your Authority is minded to approve the application the following conditions should be appended to any consent in the interests of highway safety.

5.3 Landscape Officer

Initial response:

I note that, in connection with outline planning permission (obtained for application no. 16/00182/OUT), Condition 2 requires an application to address reserved matters including (at Item e) the soft landscaping of the site.

No landscape/ planting details are included for consideration with this application and this part of the condition cannot, therefore, be discharged.

No landscape management plan is included so Condition 16 cannot be discharged either.
Second response:
I am in receipt of Soft Landscaping Proposals drawing no. GL0795 01 in connection with Condition 2 (item e) of the planning permission and a Landscape Management Plan in respect of Condition 16. I am disappointed with the soft landscaping proposals:

- The Illustrative Plan accompanying application no. 16/00182/OUT indicates treatment of the boundary of the site with open countryside on the south eastern side as a “new field boundary with scattered tree planting, hedgerow and ditch”. The Parameter Plan written statement submitted as part of the same application states that “the boundary between the countryside will be an appropriate “countryside” boundary treatment providing a soft edge to the built form of the village. None of this appears on the current proposals plan.

- This is a most sensitive boundary not only in its direct relationship with the open countryside but also because its treatment will provide the backdrop to the new development in a prominent position against rising ground when viewed from the village (Barway/Riggs Lane) itself. The boundary must be planted. There is space not only for a boundary hedgerow with hedgerow trees but also woodland/ woodland edge in the area south of Plot 15 and east of Plots 16 – 19. This would greatly enhance both the setting of the development and local landscape character; create a strongly defined edge to the village and benefit biodiversity.

- The illustrative Plan shows the area on the northern edge of development between garden boundaries and the site boundary as woodland and existing trees would appear to occupy much of it at present. It should be maintained as woodland supplementing existing trees with others of similar species.

- The open space opposite Plot 11 is extraordinarily dull. It contributes nothing to the scheme. Planting to contain the area on its open eastern boundary and road frontage trees (of some size e.g suitable varieties of Qurcus robur, Acer campestre and/or Tilia spp.) that enhance the street-scene are the least that is expected.

- Similarly, the swale is neglected as a potentially attractive, characterful and extensive feature. It would be enhanced by treating it with a wetland or meadowland grass species mix and managed as an extension of the balancing pond in the south west. A more extensive area of native tree and shrub planting on its western bank between Plots 1 and 2 should reflect its wetland character/ associations.

- Trees and additional native shrub planting in the area of the balancing pond (part of the village green in the south west) should reflect the wetland character/ associations here with a view to creating additional wildlife habitat as well as an area for informal recreation.

- The extensive use of Prunus lusitanica and, to a lesser extent, Elaeagnus ebbingei, is an overly urban and, frankly, boring solution to creating “defensible space” within front gardens particularly if it’s not going to be complimented by additional planting on the road frontage. An approach that better reflects the individual style of the houses and the sense of place within the village would be more appropriate.

- The landscape Management Plan is satisfactory.

Following further discussions with the Councils Landscape Officer it has been agreed an appropriately worded condition setting out the exact parameters required to overcome the above concerns.

5.4  Environmental Health Officer
No objection.
5.5 Derbyshire Wildlife Trust  
It is recommended that our previous conditions (attached) are included within the RM consent.

5.6 The Derbyshire County Council (Flood Risk Management Team & Land Drainage)  
No objection.

5.7 Derbyshire County Council (Archaeologist)  
I previously commented on the outline application 16/00182/OUT for this site, and an archaeological condition (26) attached to the outline consent requiring a pre-commencement scheme of work. No archaeological work has yet been carried and the condition therefore still remains valid.

5.8 Designing Out Crime Officer  
There are no objections to the principle of residential development on this site, nor to the proposed layout subject to comments regarding enclosure being resolved. There is an incomplete picture regarding boundary treatment within the current detail. It’s appreciated that this could be subject to a condition, but as the missing elements raise questions of convenient and secure access the matter is probably best resolved in detail.

5.9 Peak & Northern Footpath Society  
The only comment which I have is to query what legal right would walkers have to use the two proposed "Footpath Links" when these footpaths do not join highways (neither adopted highways nor public rights of way) at their north-western ends?

6. REPRESENTATIONS RECEIVED

6.1 A total of 6 representations have been received. A summary of the representations is outlined below:

Impact on residential amenity:
  o Loss of view
  o Overlooking issues
  o Loss of light
  o Construction traffic

Highway Safety:
  o Increase in vehicular movements
  o Narrow roads
  o Increase traffic
  o Dangerous access
  o Lack of pavements connecting the site
  o No passing place on Mill Lane
  o Large lorries would have difficulty accessing the site due to the narrow access
  o No public footpath from application site
  o Pedestrian safety concerns
  o Road not gritted during winter
  o Poor visibility
  o No speed limit on Mill Lane

Other matters:
  o Strain on sewage system
  o Impact on wildlife and endangered species
  o Increase flooding risk
7.0 OFFICER APPRAISAL

7.0.1 This application follows the grant of outline planning permission for residential development on the site of up to 22 dwellings at committee in July 2016. A decision notice was issued in May 2017 following the completion of a S106 legal agreement to secure a contribution towards affordable housing equivalent to 30% of the total number of new homes to be constructed on site.

7.0.2 As the principle of new residential development of up to 22 dwellings has already been established the arguments put forward relating to the appropriateness of the amount of development coming forward in the area and impacts on existing infrastructure are of limited relevance in respect of this application which seeks approval of the matters that were reserved in respect of application code ref. 16/00182/OUT.

7.0.3 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF), the direction of travel indicated by the emerging plan policies and consultation responses received the main issues to assess are:

1. General layout and design
2. Landscape and visual impact
3. Heritage Assets
4. Housing mix and level of affordable housing
5. Highway safety
6. Impact on residential amenity
7. Other matters

7.2 General layout and design

7.2.1 A key consideration is the impact of the development on the character and appearance of this part of the settlement. Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policies contained within the Adopted Derbyshire Dales Local Plan which deal with design align with this guidance. Policy SF5 advises that planning permission will only be granted for development where... (a) the scale, density, massing, height, layout, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Policy H9 requires new housing development to be in scale and character with its surroundings to have regard to distinctive landscape features and provides supplementary landscaping where appropriate and to provide adequate amenity space and reasonable privacy for each dwelling, amongst other considerations.

7.2.2 The proposed scheme consists of three areas and two landscape features which are described by the applicant within the application section of this report.

7.2.3 Notwithstanding the applicants approach in preparing this reserved matters submission there are fundamental concerns with the proposed layout given the extent of deviation from the approved indicative layout submitted as part of outline approval, application 16/00182/OUT which was the subject to extensive discussions with officers to address...
the sensitivities of the site. It was expected that the development would be for the erection of detached dwellings adjacent to Barway, as a reflection of existing dwellinghouses in this particular area, development to the north of the site would contain the affordable housing and take on a more pseudo-agricultural character and appearance and to the north west of the site it is proposed to have relatively low key housing forms having less detail than those proposed off Barway. Landscaped areas and boundary treatments were also expected to contribute to the setting of the built form.

7.2.4 The current proposal creates a single through road leading up through the site with pockets of development jutting to the south east and north east corners. The formation of cul-de-sacs type development with large front gardens and excessive amounts of hard landscaping are quite suburb in their form and not considered appropriate to this edge of village context.

7.2.5 The indicative plan considered at outline was a result of lengthy discussions. The agreed indicative plan was instrumental in gaining the Local Planning Authorities support for residential development on the application site. It formed part of the officer’s assessment as well as being presented to Members at planning committee on the 12th July 2016. The plan was fundamental in assessing the acceptability of residential development within the sensitive landscape, as set out in the Wardell Armstrong August 2015 Landscape Sensitivity Study.

7.2.6 However, whilst the proposed layout has altered from the indicative layout agreed at outline approval the submitted plans are considered to follow the general design principles of the outline approval which include the three distinct character areas (Village Housing, Affordable Housing and Hamlet), visual breaks and opens spaces are included as part of the original submission but in a modified form.

7.2.7 The indicative plan presented at outline stage proposes the creation of three character areas reflecting differing house styles locally, incorporation of agricultural styled buildings for the affordable units to replace of existing former agricultural buildings and creation of open areas/visual breaks. These amendments are fundamental in the successful delivery of the application. Whilst the application is lacking in specific landscape detail this element can be dealt with by condition.

7.2.8 Whilst the scheme in its current form is not considered appropriate as a response to the sensitive site and has not had sufficient regard to the indicative plan agreed at outline stage the applicants architects are currently working on revised plans to address officers concerns.

7.2.9 It is anticipated that the design concerns can be fully resolved in time to be presented at committee. As the application continues to propose the erection of 22 residential dwellings which have not raised any local opposition from the Parish Council or local residents with regards to the proposed layout and design it is not considered that re-consultation is required in this case.

7.3 Landscape and visual impact

7.3.1 The National Planning Policy Framework is a material planning consideration in development management decisions and states in respect of design that development should add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings. It is recognised that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration
of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings.

7.3.2 Policies NBE7 and NBE8 advises that planning permission will only be granted for development where development protects or enhances the character and appearance and local distinctiveness of the landscape and would not have an adverse impact upon landscape features, such as hedgerows.

7.3.3 The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as being of low sensitivity to the west rising to high sensitivity east in terms of the ability of the landscape to accommodate new housing development. The development would be contained in the low sensitivity part of the site, with curtilages extending into the medium sensitivity.

7.3.4 In connection with outline planning permission, Condition 2 requires an application to address reserved matters including (at Item e) the soft landscaping of the site. With the applications original submission no landscape/planting details or management plan have been included for consideration.

7.3.5 Following discussions with the applicants agent the submission of a ‘Soft Landscaping Proposal Drawing’ and Landscape Management Plan was submitted on the 9th August 2017. The proposals include further planting to the north of the site and across the eastern boundary with a series of boundary hedgerows proposed to the front garden of the dwellings. However It is considered that the extent of landscaping retention and addition, as illustrated on submitted plan date stamped 9th August is not adequate. As such the Councils Landscape Officer has considered that the outstanding issues can be dealt with by condition.

7.4 Heritage Assets

7.4.1 It was considered through the determination of outline planning application 16/00182/OUT that whilst the proposed development would have some impact on views/vistas of the Church, it is considered that the impact on its setting would not constitute substantial harm.

7.4.2 The proposed three character areas proposed Village Housing which offers mainly detached, low density development similar in scale to the houses on Riggs Lane and Barway, and incorporate some tandem development, Affordable Housing which is proposed to be simple in form and character and likely to take a courtyard form to the north of Old Hall Farm on the site of the older part of the farm complex and Hamlet to be an informal collection of dwellings which look to reflect the informal character of the village and rural housing generally is considered to have the impact envisaged in the outline application on the setting of the listed building. On this basis, having regard to the amended plans the impact of the development on the heritage assets is less than substantial.

7.5 Housing mix and the level of affordable housing to be provided

7.5.1 Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

7.5.2 The S106 legal agreement approved following the approval of outline planning application 16/00182/OUT secured a contribution towards affordable housing equivalent to 30% of the total number of new homes to be constructed on site or as otherwise agreed between the Council and the Owner. It was agreed that 6 dwellinghouses equating to 27% on-site affordable delivery and the remaining 3% captured by off-site contributions would be acceptable.

7.5.3 In terms of this application it is proposed that an affordable housing delivery of 5 dwellings on-site representing 23% of the total number of houses are be erected. It is understood that an agreement with the Councils Head of Housing, Rob Cogings has been reached such that an on-site contribution of 5 terraces house comprising 3 affordable bungalows and 2 affordable houses is appropriate with the remaining off-site contribution of 7% given the nature of dwellings proposed which meet the needs identified within the community.

7.6 Highway Safety

7.6.1 The concerns of nearby residents are understandable in respect of the suitability of the existing road network and proposed access directly off Riggs Lane/Barway the Local Highway Authority have concluded that adequate visibility splays can be achieved on site.

7.6.2 Suitable forward visibility splays can be achieved at the access of the application site. However, it is commented that whilst the extent of the forward visibility has been shown outside plot number 1, the area in advance of the forward visibility is still shown outside the limits of the adoptable highway, with a note stating that this area will be included within management company maintained land i.e. private. This would not be a highway reason for recommending refusal of the application, this would result in an issue for the adoption of the estate street.

7.6.3 Whilst amendments are forthcoming with regards to the layout from a design perspective the issue over adoption of the highway can look to be resolved with amendments to plot 1 of the proposed development layout. As such amended plans, as referenced above, are requested to resolve these issues prior to planning committee.

7.6.4 Internally, adequate parking is being provided for each dwelling and sufficient space is being made available to ensure all vehicles, including service and delivery vehicles, can enter the site, turn and exit in a forward gear.

7.7 Impact upon Residential Amenity

7.7.1 Concern has been raised by local residents at outline that the development would lead to an adverse impact upon their residential amenity. The scheme has been amended in parts to set dwellings further way from each other to allow for adequate space to maintain outlook, light and privacy. As such, it is considered that the orientation and distances of the dwelling, as set out on the latest site layout plan would provide adequate privacy and outlook.
7.7.3 Inevitably the erection of 22 dwellings on Greenfield land will create some level of visual impact within the area. However, it is considered that the proposal would not result in a significant loss of privacy and amenity of adjoining dwellings.

7.7.4 It is acknowledged that the view from existing dwellings to the south, namely Fern Cottage would be significantly altered as a result of the proposal but with sufficient boundary treatments this would be mitigated.

7.8 Other Matters

7.8.1 The application is accompanied with a Phase 1 Habitat and Protected Fauna Survey and Bat Dusk Emergence Survey and Tree Inspection Bat Survey date August 2015. Derbyshire Wildlife Trust concludes that adequate ecological survey work has been undertaken in order for this application to be determined, subject to conditions.

7.8.2 The Derbyshire County Council Flood Risk Management Team has reviewed the planning application and has raised no objection subject to conditions with respect to provision of a sustainable drainage system and water treatment.

8.0 Conclusion

8.1 Whilst the principle of residential development of this site has been established with outline planning permission 16/00182/OUT, Paragraph 14 of the NPPF requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

8.2 There has been some concern with regards to the initial design and layout of the development and officers have engaged with the applicant in seeking improvements. In addition regard has to be given to the potential impacts upon the setting of the listed church from the site. However, officers consider revised house types and layout have significantly improved the scheme. A full set of revised drawings will be reported to committee. Notwithstanding the above there are some points of detail which can be reasonably addressed through conditions.

8.3 The layout, scale and appearance of the development and associated landscaping and access arrangements, subject to the submission of amended plans and conditions would satisfy the relevant provisions of the development plan and national guidance.

8.4 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF, the Adopted Derbyshire Dales Local Plan and the emerging Local Plan it is considered that the impact of the development on the heritage assets is at the lower end of less than substantial and the benefits of this sensitively designed consolidation of the village would outweigh the dis-benefits in this case.

8.5 Accordingly the application is recommended for approval.

9. RECOMMENDATION

That the Approval of Reserved Matters application be granted subject to the following conditions:

1. The development shall be carried out in accordance with the additional information and plans and amended plans received on 15th June, 9th, 22nd & 25th August except insofar as may otherwise be required by other conditions to which this permission is subject.
2. Samples of all materials to be used in the construction of all the external surfaces of the proposed dwellings and garages and a plan showing the distribution of materials across the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

3. Before the development commences, details of the type and positioning of street lighting, to include the spread of luminance, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details and maintained as such.

4. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

5. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 1 above, 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, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

6. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

7. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

8. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the provision of footways fronting the site and the forming of a layby to the northwest of the proposed new estate street junction, together with a programme for the implementation and completion of the works, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.
9. No development shall take place until construction details of the residential estate road and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

10. The carriageway of the proposed estate road shall be constructed in accordance with Condition 6 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

12. Before any other operations are commenced a new estate street junction shall be formed to Riggs Lane/Barway and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the junction, for a distance of 32m to the northwest and 40m to the southeast, measured along the nearside carriageway edge, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

13. No dwellings shall be occupied until vehicular and pedestrian accesses have been formed to the new estate street in accordance with the revised application drawing Nos 2017-466-02E, with plot numbers 1 to 11 and 16 to 22 being provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the accesses for a distance of 25m in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

14. The accesses, the subject of condition 10 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway/margin, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

15. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 2017-466-02E for the parking and manoeuvrng of residents and visitors vehicles.

16. The garage and car parking spaces hereby permitted, shall be kept available for the parking of motor vehicles at all times. Notwithstanding the provisions of the Town and
Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garages/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

17. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

18. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
ii. include a timetable for its implementation; and
iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

19. Any gates shall open inwards only.

20. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 10m from the nearside highway boundary and 1 in 10 thereafter and measures shall be implemented to prevent the flow of surface water onto the adjacent estate street. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

21. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- an indication of all existing trees, hedgerows and other vegetation on the land
- all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works
- measures for the protection of retained vegetation during the course of development
- the planting of a native species hedgerow with hedgerow trees along the boundary of the site with open countryside in the east; the planting of an area of woodland with woodland edge in the area south of Plot 15 and east of Plots 16 – 19; supplementary tree planting to create an area of woodland on the northern edge of development between garden boundaries and the site boundary; tree and shrub planting in the open space opposite Plot 11 to contain the area on its eastern boundary and provide road frontage trees; treatment of the swale feature using a wetland or meadowland grass species mix to be managed as an extension of the balancing pond in the south west; the planting of an area of native tree and shrub planting on the western bank of the swale between Plots 1
and 2 with appropriate species that reflect its wetland character/ associations; the planting of trees and additional native shrub planting in the area of the balancing pond (part of the village green in the south west) with appropriate species that reflect the wetland character/ associations here; the planting of trees shrubs and hedges within private front gardens that reflect the existing character of the village, and the individuality of proposed dwellings.

- soil preparation, cultivation and improvement
- all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection
- grass seed mixes and sowing rates
- means of enclosure;
- hard surfacing materials (inc driveways)
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

Reasons:

1. To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies SF5, NBE5, NBE6, NBE7, NBE8, H9, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2. To ensure the use of appropriate materials and a satisfactory external appearance of the development in accordance with the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

3. To ensure the satisfactory appearance of the development and to safeguard the amenity of local residents to comply with Policies SF5, H9, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

4-20. In the interest of Highway Safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan (2005).

21. To ensure that proposed development is successfully accommodated within its surroundings in this sensitive location; that a satisfactory landscaped setting for the development is provided; that local biodiversity is enhanced and that important existing landscape features are protected in accordance with Policies SF5, H9 and NBE8 the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application.

2. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The
3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

4. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Development Control Implementation Officer, Mr Ian Turkington, Ext 38578).

5. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

6. The Highway Authority recommends that the first 5m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

8. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

9. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp.
10. Where the estate street is to remain private, the following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

11. The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the estate street intended to serve the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts upon the southwestern boundary with Riggs Lane/Barway, Marston Montgomery.

12. This decision notice relates to the following documents:
Submitted plans date stamped 15th June, 9th, 22nd & 25th August.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00490/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land Off Dale Road South, Darley Dale</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Residential development of 126 dwellings and access</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Persimmon Homes</td>
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<tr>
<td><strong>TOWN</strong></td>
<td>Darley Dale</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>N/A</td>
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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. J. Atkin, Cllr. M. Salt, Cllr. A. Statham</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>14th September 2017</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major application</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For Members to appreciate the site and context.</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- Layout, Density and Housing Mix
- Design and Appearance
- Highway Matters
- Designing Out Crime
- Impact on Residents' Amenity
- Flood Risk and Drainage
- Archaeology
- Ecology
- Developer Contributions

**RECOMMENDATION**

Refusal
Land Off Dale Road South, Darley Dale

Derbyshire Dales DC

Date: 23/08/2017

100019785
1. THE SITE AND SURROUNDINGS

1.1 This is a greenfield site that immediately abuts the existing built up settlement. The site is close to the “centre” of Darley Dale/ Two Dales. The area is characterised largely by open fields associated with the application site and around DFS and by dwellinghouses and commercial properties such as the garden centre, petrol filling station, Co-op, and the County Council Depot.

1.2 The site is on land associated with DFS and adjoining agricultural fields fronting the A6 through Darley Dale, close to its junction with Station Road and Chesterfield Road. Large areas on the north western and north eastern sides comprise open agricultural land and central and southern areas are occupied by development associated with DFS (furniture retail warehouse) and the County Council Depot. To the north of the site is the A6 with a mix of dwellings and commercial premises beyond. To the west of the site are the dwellinghouses fronting Station Road.

1.3 The dwellinghouses in the immediate area are those fronting Station Road and those to the north of the A6. These are constructed with a variety of materials, including those that are fully stone, stone fronted buildings with red brick or rendered sides and rears and buff brick buildings. The area also contains traditional stone built and relatively modern commercial buildings.
2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought for the development of 126 dwellinghouses. As part of the wider land holding, planning permission has been granted for a new medical centre immediately to the north west (planning permission ref: 16/00578/FUL); this is contiguous with the overall development of the site.

2.2 The applicant has submitted detailed drawings of the proposed layout of the site and of the proposed house types. The layout details a central spine road leading from the A6 with side roads and private drives extending from this. A footpath link is proposed towards the southern end of the site linking the site with Station Road and the facilities at Whitworth Park.

2.3 In terms of open spaces, a water attenuation pond is proposed at the southernmost part of the site. There is an area of public open space with a play area proposed adjacent to the land associated with the medical centre. It is also proposed to plant an 8m wide landscaped buffer between the dwellings and the A6.

2.4 The applicant has provided the following documents in support of the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Landscape and Visual Baseline Assessment
- Economic Appraisal
- Framework Travel Plan
- Transport Assessment
- Archaeological Desk Based Assessment
- Planning House Types.

The documents are part of the public file, have been referred to statutory consultees and are commented on as appropriate in the Officer appraisal of this application.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development in the Countryside
SF5: Design and Appearance of Development
H4: Housing Development Outside of Settlement Framework Boundaries
H9: Design and Appearance of New Housing
H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
NBE5: Development Affecting Species Protected by Law or are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important in the Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE24: Archaeological Sites and Heritage Features
NBE26: Landscape Design in Association with New Development
NBE27: Crime Prevention
CS8: Provision of Community Infrastructure
TR1: Access Requirements and the Impact of New Development
TR2: Travel Plans
TR3: Provision for Public Transport
TR8: Parking Requirements for New Development
L6: Outdoor Playing and Play Space in New Housing Developments

3.2 Deposit Draft Derbyshire Dales Local Plan (2016)
S2: Sustainable Development Principles
S3: Settlement Hierarchy
S8: Matlock/Wirksworth/Darley Dale Development Strategy
HC1: Location of Housing Development
HC2: Housing Land Allocations - (j) Land to the rear of RBS
HC4: Affordable Housing
HC11: Housing Mix and Type
HC15: Community Facilities and Services
HC17: Promoting Sport, Leisure and Recreation
HC19: Accessibility and Transport
HC20: Managing Travel Demand
HC21: Car Parking Standards
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD5: Landscape Character
PD8: Flood Risk Management and Water Quality
PD10: Matlock to Darley Dale A6 Corridor
DS2: Land to the Rear of the Former RBS Premises, Darley Dale
3.3 Other
National Planning Policy Framework (March 2012)
National Planning Practice Guidance
The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 to support the emerging local plan.

4. RELEVANT PLANNING HISTORY
16/00578/FUL Construction of Medical Centre and Access Road - Granted

5. CONSULTATION RESPONSES
Town Council
5.1 - considerable objection
- does not accord with the principles contained in the NPPF, the Local Plan and the emerging Darley Dale Neighbourhood Plan

Green fields
- spatial vision in the emerging Local Plan states ‘The distinct character of Darley Dale will be preserved by the maintenance of the strategic open spaces along the A6 in order to avoid coalescence with Matlock’ – development of 126 houses begins the process of coalescence
- these fields are part of the distinct character of Darley Dale and the views out of the Peak District which are supposed to be protected

Landscape character and sensitivity
- the submitted neighbourhood plan seeks to positively influence the quality of development in the Parish by a scale that reflects that of the settlement to which it adjoins and the rural nature of the Parish and that a sense of openness be maintained between the settlements
- the green corridor and sense of openness has been maintained along the Derwent Valley

Infrastructure
- local medical centre under-resourced and stretched to capacity
- medical centre has planning permission to relocate with better facilities but no additional rooms for doctors
- intake at two schools in the area almost at capacity
- provision only for 21 places at Churchtown School which has become an academy
- headmaster at Darley Dale Primary School has lodged a separate objection

Highways
- proposed road junction does not take account four major and four minor junctions within a very short distance
- recent DCC traffic survey demonstrates that the A6 is overloaded and been numerous accidents and near misses – 126 houses will considerably increase the danger on this stretch of A6

Other matters
- anticipated number of houses required by the District has been significantly reduced and District Council now have more sites available than need to satisfy requirements
- Old Road site dismissed at appeal very close to application site
- many representation received and strong feeling of the local community
- contradiction between Local Plan and the submitted Neighbourhood Plan
- lack of consultation with the Town Council and local community.
Local Highway Authority (Derbyshire County Council)

5.2 - holding objection
- it is advised that a ‘ghost island’ be provided to form the junction as the highway limits are not particularly constrained - is noted that in the viability appraisal that £250,000 is included for Section 278 works which would suggest a more elaborate form of junction has been considered
- refuge area of 1.4m width is unlikely to be safe to accommodate pedestrians’ needs and is also located where modifications are proposed to the access to serve the Co-op at the former RBS building
- introduction of the refuge in the position shown may hinder vehicle movements on the A6 when a bus is waiting at the revised bus stop location.
- study area reveals that there have been several accidents albeit it would have been preferable for this study area to have been increased to assess the accident history at T junctions along the A6 corridor of Darley Dale
- trip rates used for estimating the development related traffic are not particularly robust
- Transport Assessment does not pick up on the cycle route (the White Peak Loop) between Matlock and Rowsley
- Transport Assessment states that the layout prioritises pedestrian and cycle movement but this is not entirely clear
- concerned with regard to the layout of plots and the highway safety issues that would arise from this
- the planning application cannot be supported without these matters being addressed.

Strategic Planning (Derbyshire County Council)

5.3 - request contribution of £239,379.21 towards provision of 21 primary school place
- request no contribution to secondary school provision as there is available capacity at Highfields School
- any new development should be served by superfast broadband.

Flood Risk Management Team (Derbyshire County Council)

5.4 - prefer applicant utilise existing landform to manage surface water in mini/sub-catchments and strongly advise against utilising a pumped surface water system
- pump station is located in Flood Zone 2 and it is advised that the applicant discuss the appropriateness of this with the Environment Agency
- suggest conditions with regard to the design, management and maintenance for surface water drainage and a detailed assessment through Building Regulations should planning permission be granted.

Designing Out Crime Officer (Derbyshire County Council)

5.5 - submission is unacceptable in respect of provision for minimising crime risk and community safety.

Development Control Archaeologist (Derbyshire County Council)

5.6 - archaeological desk based assessment identifies a number of archaeological sites and finds within the close environs
- recommend that the site be archaeologically evaluated to inform the current planning application and a scheme of archaeological works is commissioned
- this approach is in line with the requirements of Paragraphs 128 and 129 of Section 12 of NPPF (Conserving and Enhancing the Historic Environment).

NHS Derbyshire CCG

5.7 - request financial contribution of £47,930 in support of primary care serves in the area, particularly towards Darley Dale Medical Centre.
5.8 - would like to have 8-12 flats provided for persons with learning difficulties and a flat for support staff to meet local need and in lieu of part of the affordable housing provision.

5.9 - some concerns with the layout of the site as presented
- no treatment of the 8 metre wide buffer strip fronting the A6 and associated with the site of a new medical centre is indicated - application for the medical centre suggests this strip will be landscaped “by others” (the “others” being assumed to be the developers of the housing site but this does not appear to form part of the current application and should not be overlooked
- 8 metre buffer strip that is included is welcome but should be returned along the length of the DFS access road in order to mitigate any impact of proposals on landscape assessed as being of high sensitivity to housing development on the other side of this road
- pedestrian link through from the development to Station Road and recreational facilities at Whitworth Park is poorly located with regard to the majority of potential householders - this should be turned northwards into the estate where it can become part of an attractive, unenclosed open space system leading through to the existing path.

5.10 - site layout fails to make provision for access on foot from the site to join Footpath 32 Darley Dale which abuts the south western boundary of the site – this path gives traffic free access to localities important for recreation
- if the footpath needs improvement to allow year round access, this should be done by the developers since the path would have a greatly increased use as a result of the development.

5.11 - no comments to make on this application.

5.12 - noted that the southern part of the subject site sits between two sites used for employment purposes
- important that the proposed residential development, including points of access, does not compromise existing and future employment uses on these neighbouring sites.

6. REPRESENTATIONS RECEIVED

6.1 A total of 108 representations from local residents, the general public, Darley Dale Action Group, the Two Dales Residents Action Group, Darley Dale Primary School and Matlock Civic Association objecting to the proposals have been received. A summary of the representations is outlined below:

Policy Principle
- new Local Plan is yet to be finalised – no planning decisions should be made until it is
- Darley Dale already over populated
- contrary to Policy NBE9 of the Adopted Local Plan which protects the open spaces between Darley Dale and Matlock along the A6 corridor
- development contrary to the aims of the Draft Darley Dale Neighbourhood Plan (DDDDNP)
- have been two appeals turned down at Old Road and Park Lane
- creation of more residential property than the District appears to require
- less than desirable amount of affordable housing (20%)
• whilst acknowledging the need for more affordable housing, not sure of a genuine need for more expensive homes
• huge reduction of A6 green corridor which contradicts emerging Local Plan
• why are applications for greenfield sites as opposed to brown field sites
• guidance sets out an average density of 30.6 houses per hectare - propose a density of 37.8 housing units per hectare
• density conflicts with planning policy as set out in the minor modifications (MM28) of the emerging Local Plan by some 24 properties
• proposal is for 94% of the housing allocation on 75% of the site area forcing housing right up to the boundary of existing properties on Station Road
• lack of employment opportunities
• mix of houses not representative of limited local need
• have an ageing population but no bungalows proposed
• limited starter homes for the younger generation of existing local families
• previous plan for the site included employment, community use and retail have been replaced by a basic residential scheme albeit with the relocated medical centre
• current Local Plan has a percentage for art policy which seems to have gone by the wayside

Landscape character and sensitivity

• gateway to the Peak District National Park and should be kept attractive to visitors
• an attractive open site
• once this green belt land is lost it will not be recovered
• erosion of greenfield separation between Matlock and Darley Dale
• another example of the A6 becoming a built up corridor between Matlock and Darley Dale
• impacts on views in and out of the Peak District National Park
• Audley Court has taken away a large green area and loss of green land at Darley Dale Primary School
• set back from A6 pays lip-service to the policy of preserving the landscape character
• will create a domino effect for further development along the A6 corridor
• Darley Dale is a community of small areas (Northwood, South Darley, Two Dales, etc.) and each is slowly being eroded to one mass area which will soon be indistinguishable from Matlock and Rowsley

Character and appearance of development

• poor design
• fails to meet the design requirements of the NPPF (particular reference to paragraph 58)
• out of character with historic settlement pattern
• standardised layout, with standardised houses - could have been designed anywhere in the country
• pays no respect to the local surroundings of Darley Dale either in layout or the use of materials
• houses proposed to be built with brick – is this to save the builder money
• will be a blot on the landscape
• virtually every building you see looking from the site is a stone building
• design statement lists at great length the various design standards - seem to have virtually ignored them all
• very little care or sensitivity, with random house types soullessly scattered across the site offering little sense of place or built form
• individual house plots are small
• needs to be a pre-dominance of stone, particularly on the perimeter of the site.
prominent frontage parking and large parking courts dominate several areas and result in car dominated environments and visually poor streetscenes – an indication of overdevelopment
parking courts are large, poorly designed and lack passive surveillance
most corner plots do not address both frontages resulting in blank walls onto important frontages
Jackson’s Ley in Middleton-by-Wirksworth is an excellent example of high quality, relatively high density low rise housing that respects the local vernacular of that area – adapting this to Darley Dale would be a much better solution

Landscaping
- screening is minimal
- clear frontage area to A6 should be at least 20m
- plots lack boundary treatments and appropriate distinction between public and private areas
- side gardens and parking courts consist of poor quality close board fence
- landscape buffer along the A6 is prominent – an avenue of Lime Trees would make a positive contribution echoing the planting at the Whitworth Centre and beyond

Impact on Wildlife
- bottom of field is quite wet and has a diverse flower and wildlife population that would be affected
- loss of wildlife habitat (badgers, toads, frogs, rabbits, bats, ferrets, foxes, birds and insects)

Infrastructure
- if the site is to be developed it urgently needs proper planning for infrastructure before any housing schemes are considered
- schools and pre-schools do not have space to support another 126 families
- medical centre is full with patients waiting 2-3 weeks for appointments – although there is a planned relocation no planning for additional doctors nor rooms to house them
- increase in population with no additional jobs being created in the private sector can only lead to an increase in unemployed in the area
- when planning consent was given to the new doctors’ surgery knew this was the beginning of the end - would have made more sense to put medical centre in Underhall or the retirement village at St. Elphins
- Co-op will destroy the livelihood of independent shops
- Whitworth Park gets busy and the little playground is already unable to cope
- impact of rainwater runoff – field is very swampy towards the lower end and sure the brook cannot take anymore surface water in very wet times
- Station Road already floods quite badly at Four Lanes End
- inadequate provision of play space on the site
- increased pressure on local police

Highways
- main central street comprises two long straight lengths which are unlikely to deliver safe 20mph design speed
- already 4 major and smaller junctions joining A6 in a short stretch
- installation of a central refuge close to badly sited bus stops verges on irresponsible
- access shared with the medical centre
- congestion is highly likely
- cycle path ludicrous for practical and safety reasons
- conflict with County Council depot vehicles with cyclists and pedestrians
- A6 has to accommodate lorries from JB Waters Haulage, Enthovens and Markovich
• new Co-op not factored into the traffic survey and will have a profound effect on congestion
• traffic congestion during development of the site
• statistics provided by the developer for accidents on this stretch of A6 are very dubious
• danger to children crossing Station Road to get to and from Whitworth Park given visibility sightlines and use by lorries
• surely the medical centre access was granted for exclusive use of staff and patients and not an access to be shared with a housing estate

Residents’ amenity
• loss of privacy
• loss of sunlight
• overshadowing
• loss of outlook
• many of the existing houses and gardens along Station Road will be overlooked
• Plots 112, 114 and 115 are positioned uncomfortably close to a number of neighbouring dwellings (Wayside, Parkside and Glencoe) and will appear overbearing, dominating the gardens and outlook of these properties
• Plots 92-95 have particularly short gardens for the dwelling size and likely to result in a loss of privacy to existing residents
• increased air and noise pollution generated by extra traffic particularly by hold ups
• footpath/cycleway will pose significant security risk providing access to garage and rear garden – will it be lit

Other matters
• poor public consultation
• over recent years have seen an enormous reduction in quality of living in Darley Dale
• lack of thought to the rights of access for residents on Station Road to rear of their properties
• will potentially devalue properties in the area
• can a degree of collusion be assumed between DDDC, the medical centre developers and Persimmon prior to the application being submitted – raises the question as to why the Co-op would build a store in the area – impression of a ‘done deal’
• developers unlikely to be motivated by community needs and profit motivation should not inhibit robust challenge by public servants and elected representatives
• attempts to develop this land in the 1980’s all rejected
• need fields to grow food
• should use local builders not national builders
• perhaps development of the Council yard and DFS would be a less controversial option
• developer could be asked to make some contribution to local voluntary groups, some of which struggle to keep going
• current Local Plan has a percentage for art policy which seems to have gone by the wayside
• DFS site has a 24 hour operation and there is a planning policy requirement to ensure the development of adjacent land does not impact on its future operations - objection could be withdrawn if the applicant provides a noise assessment, lighting/amenity assessment and acoustic screen or barrier, which all consider the proximity of the proposed housing, and a revised layout moving the housing away in relation to DFS

6.2 A letter of support which is summarised as follows:
• strongly support the principle of the application
• 88 years old and have lived in Darley Dale for 25 years and travel to Matlock most days and enjoy amenities, openness and views as much as anyone - prepared to
forego them (sadly) because take a broader view of the overwhelming need to provide more housing in this country
• remain fortunate that necessary to only travel a short distance to the countryside
• pressure will increase on A6 but will probably only be noticeable at rush hours
• ongoing increase in A6 traffic will be small – the biggest cause of delay is road works
• added inconvenience will be nothing compared with that experienced by people living in other parts of the country
• wider community needs more housing
• whole community must endure the minor inconveniences – ‘not in my back yard’ is simply not good enough
• pressure on public services is real but increased numbers give a case for additional funding for clinicians and education.

6.3 A letter from the Rt. Hon. Sir Patrick McLoughlin MP which is summarised as follows:
• write further to meeting with the Darley Dale Development Action Group and have attached their letter of objection
• understand over 70 people have objected
• surprised that applicant decided to not go for outline planning permission
• appears to be little or no consultation with the Town Council and the local primary school which is already oversubscribed
• residents concerned that the plans have been given no appropriate though or attention
• concerns raised about diversity of style of the development and plans do not suggest sympathetic materials
• appreciate the concerns with density of development with a number of dwellings abutting the perimeter of houses on Station Road
• led to believe that DFS oppose the application
• explained to residents that have no control over planning decisions and is a matter for the District Council and that there is a need for more housing in this Country.

7. OFFICER APPRAISAL

7.1 To begin with, it is important to set out the current planning policy situation within which this proposal is to be assessed.

7.2 The Council can identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The Examination on the Deposit Draft Local Plan has taken place and the Main Modifications as put forward by the Inspector have been submitted to full council for approval. A consultation on these modifications is now taking place. It should be noted that the emerging Local Plan has proceeded through the Examination in Public. Within this Plan, Policies HC2 (j) and DS2 identify the site as a strategic site allocation for residential development of approximately 135 dwellings which would also incorporate community facilities.

7.3 Until the emerging plan is adopted, the Development Plan remains the Adopted Local Plan (2005). Policies for the supply of housing contained within the Adopted Local Plan 2005 do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the Adopted Local Plan (2005) are considered out of date. In such cases where the development plan is absent, silent or relevant policies are out of date planning decisions should be made in accordance with Paragraph 14 of the National Planning Policy Framework which states that: planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
7.4 In these circumstances the decision maker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

7.5 Having regard to the policies of the development plan, which can be afforded weight, emerging plan policy, guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process, the key issues to consider are:

1. Principle of Development
2. Layout, Density and Housing Mix
3. Design and Appearance
4. Designing Out Crime
5. Highway Matters
6. Impact on Residents’ Amenity
7. Flood Risk and Drainage
8. Archaeology
9. Ecology
10. Developer Contributions

Principle of Development

7.6 The site is a strategic development site identified in the emerging Local Plan for residential development of 135 dwellings and the provision of a new medical centre. The medical centre has been recently approved with planning permission 16/00578/FUL.

7.7 As stated above, the emerging Local Plan has proceeded through the Examination in Public. Within this Plan, Policies HC2 (j) and DS2 identify the site as a strategic site allocation for residential development of approximately 135 dwellings which would also incorporate community facilities. This has been reduced from 143 units as part of the Minor Modifications (MMs) requested to the emerging Local Plan by the Planning Inspector further to its Examination in Public. In this respect, it is considered that weight can be given to this emerging policy and that the development of this site for dwellinghouses is acceptable in principle.

Layout, Density and Housing Mix

7.8 There are some concerns with the layout of the site as presented. The Local Highway Authority has raised concern regarding the positioning of the left turn when accessing the site from the A6 which will have some requirement to amend the layout of the development in this area.

7.9 DFS has raised concerns with regard to the proximity of the proposed dwellinghouses to its site with particular concerns relating to how existing 24 hour operation and the associated noise and lighting may impact on residents. This could place pressure on the future operations of DFS and it is considered, as suggested by DFS, that there is a need to undertake such assessments in consideration of this full planning application; this has not been addressed by the applicant. Similar concerns have been raised by the District Council’s Economic Development Manager with regard to the employment sites to the south of the application site.

7.10 The site was originally proposed to be allocated to provide for up to 143 dwellings and a medical centre on a 4.41 ha site. This was based on the site including redevelopment of Warney Dene, the property adjacent to DFS. However, this part of the site has since been removed from the allocation, thus reducing the developable residential site area by excluding Warney Dene (0.48ha) and the medical centre site (0.62ha) to some 3.31ha. With the 126 dwellinghouses proposed, this now equates to some 38 dwellings per
hectare; this is considered a rather dense form of development (126 dwellings/3.31ha) albeit agreed in principle by the Planning Inspector for the Local Plan.

7.11 On this basis, it seems that the loss of the land at Warney Dene would in fact, at say some 30 dwellings per hectare, reduce the overall site development aspirations by some 15 dwellings (it has only reduced by 6 in the allocation from 141 to 135). In fact, the applicant, by reducing the number to 126 dwellings has effectively reduced the number in what would appear to be an appropriate manner from 141 to 126.

7.12 Notwithstanding this, the form of the site clearly does create constraints in the manner in which it can be developed and some areas such as the water attenuation area, the provision of open space, footpath links, etc. would mean these areas could not be developed. In addition, a significant curtilage has been granted to the medical centre, albeit this has been justified with that planning permission.

7.13 To address this, some regard could be given to the housing mix in accordance with Policy HC11 of the emerging Local Plan. This states that open market residential developments should aim to achieve 5% as one bedded, 40% as two bedded, 50% as three bedded and 5% as four bedded and above properties. With affordable dwellings, developments should aim to achieve 40% as one bedded, 35% as two bedded, 20% as three bedded and 5% as four bedded and above properties. Overall this amounts to the development aiming to achieve 15% as one bedded, 40% as two bedded, 40% as three bedded and 5% as four bedded and above properties.

7.14 The applicant is proposing 20 one bedded units (16%), 42 two bedded units (33.5%), 47 three bedded units (37%) and 17 four bedded units (13.5%). In this respect, it is considered that the mix of dwelling houses is generally acceptable, albeit the number of 4 bedded houses is some 8% higher than would be expected. However, notwithstanding the matters of the applicant meeting with the numbers required for housing on the site, and the housing mix being reasonably acceptable, the proposals in their layout appear cramped and it is considered that further thought should be given to the layout, and if necessary the number or type of units, if a satisfactory layout is to be achieved.

Design and Appearance

7.15 The applicant advises in their Planning Statement that the development has been carefully designed to respond positively and sympathetically to its built and environmental context and the character and appearance of the surrounding area. However, it does not elaborate on how this is achieved.

7.16 The applicant makes the statement that the site layout has been designed firstly to maximise viability and to meet the client brief. It is advised that this is also to provide a high quality residential development with visual interests and green character areas, including new balancing ponds and children’s play area to achieve a desirable, modern, habitable area (Page 27 of the Design and Access Statement). The applicant also states that the proposed scheme intends to provide ranging, diverse forms within the site enhancing both the character areas and reflecting the adaptable and habitable nature of each individual house type (Page 29).

7.17 In terms of the appearance of the dwellings, the applicant advises that they are a range of modern, traditional house types, differing in both appearance and elevation yet maintaining a common form and create a modern residential unit, using classical forms, proportions and material use (Page 29). Officers consider these statements rather bemusing as the dwelling houses appear to be of an ‘anywhere,’ standard house type, randomly positioned throughout the site with little regard to the creation of considered streetscenes. In particular, the stretch of plots 52-69 (18 plots) includes 9 different house types and would
create a restless vista. Whilst it is appreciated that the streetscenes in Station Road and along the A6 have formed with buildings of different styles and periods, these are largely reflective of the periods in which they were built and the materials used. The application site is clearly a holistic development and should not be a pastiche of this evolution that neither possesses cohesion or creates a sense of place.

7.18 The materials, being stone, brick and render can all be accommodated within a development of this size but justification needs to be given as to how these are proportioned and used. It is considered that in the frontage buildings to the A6 and the DFS access road, and buildings forming focal buildings in the streetscene, should have a predominance of local gritstone to reflect on the immediate context of the local environment; this could be supplemented with red brick or render to draw on local characteristics. However, a preponderance of stone is considered unnecessary and would possibly elevate the status of the development too highly given the numbers of dwellings and the period of construction. It is considered that a brick could be used for dwellinghouse located within the heart of the site and that this would be likely to be of a buff colour. Whilst the use of render is evident throughout Darley Dale, particularly concentrated at Lime Grove, it is considered that this should be used sparingly, possibly as detailing, or for modest groupings of alike dwellings.

7.19 The development proposes extensive areas of parking yards which, in the case of Plots 31-42 and 84-88 would be defined by close boarded fencing and create a poor quality environment. There are also many instances (some 47) where the frontages of dwellinghouses would be intruded upon with parking bays directly in front (see Plots 7-11, 44-47, 50-51, 53-73, 79, 82-83, 89-96, 98-100, 112-114, 122-123); this will again present a poor quality streetscene dominated by parked cars.

7.20 Given the above, it is considered that the development as proposed will create restless streetscenes with competing design elements in ranks of houses set close to each other. There are also a significant number of areas where parked cars will dominate the streetscene. In all, the proposal is considered to have no cohesive design and creates no sense of place.

Landscaping and Open Space

7.21 There is no treatment indicated of the eight metre wide buffer strip fronting the A6 associated with the site of a new medical centre. The application for the medical centre suggests this strip will be landscaped “by others;” the “others” being assumed to be the developers of the housing site. However, this does not appear to form part of the current application and will need to be addressed by the applicant.

7.22 The eight metre buffer strip that is included is welcome, but this should also be returned along the length of the DFS access road in order to mitigate any impact of proposals on landscape assessed as being of high sensitivity to housing development on the other side of this road. It is also considered that this forms part of the gateway into the main part of Darley Dale and needs careful consideration in its presentation. Conditions will be required on any planning permission with regard to the landscaping in the public areas of the site, which would need to include appropriate boundary treatments; there appears to be a preponderance of close boarded fencing in the proposals, particularly in public areas, which is considered unappealing and a revised layout of dwellinghouses could significantly address this matter.

7.23 Whilst it is appreciated that there are open spaces at Whitworth Park, this encourages crossing Station Road and a facility within the development site that can have multiple uses could reduce the requirement for children to leave the estate for outdoor play. The open space as proposed is considered to be partially obscured from the view of drivers and close to junctions where there may be pedestrian/vehicle conflict. It is considered that
the open space should be provided in the area where plots 102-109 are proposed as this would give a visual, green link between the attenuation pond, the open space and up to the grounds of the medical centre. In such a location, the open space can act as a spur for the footpath connection to Station Road.

7.24 Given the above, it is considered that the public open space is poorly conceived in the manner in which it functions and contributes to the setting of the development. It is considered that it is not readily useable in the main, and opportunity to utilise it as a linking feature through the development, to create an attractive living environment, has not been taken up.

**Designing Out Crime**

7.25 The Designing Out Crime Officer (DCC) has assessed the application and advises that it is unacceptable in respect of provision for minimising crime risk and community safety, partly because of missing detail, partly because of some elements of layout and housing treatment.

7.26 The footpath link to Station Road passes the untreated sides and back garden boundaries of five plots, being overlooked only by the elevations of two, one bed flats. It also passes in close proximity to private boundaries with inadequate definition and separation. As such, it is advised that the layout around this footpath link is redesigned to provide better supervision and distinction between public and private space having regard to the potential to relocate the open space within the site.

7.27 There is no detail of any boundary treatments available to view and, consequently, enclosure and gating of gardens and curtilage, as well as appropriate definition between open and private space, cannot be determined. It is requested that a full boundary treatment plan is submitted showing the whole site with plot and inter-plot treatment, including secure gating and with any garden access routes, which run to the side and rear of plots, gated from their point of origin at front building elevation.

7.28 In addition, except for the one bedroom flats and Clayton corner type houses, there are no house types with any form of acceptable treatment to side elevations which might be taken as key corner plots. This weakens the outlook and street-scene in several locations within the tabled layout at plots 1, 24, 43, 52, 74, 75, 79, 81, 88, 97, 101, 110, 117 and 124. There is also no view provided of private parking spaces to the side of any plot. In this regard, there needs to be a fundamental reconsideration of the layout of the site if it is to be acceptable in designing out crime.

**Highway Matters**

7.29 The Local Highway Authority has raised concern with the proposals as submitted. It is intended to use the new access point approved for the medical centre the subject of planning permission 16/00578/FUL; this was for a T junction. However, while this is acceptable for a certain level of development, it is advised that a ‘ghost island’ be provided to form the junction as the highway limits are not particularly constrained. This also has the benefit of providing central pedestrian refuges and can have an influence on traffic speeds. It is noted that in the viability appraisal that £250,000 is included for Section 278 works which would suggest a more elaborate form of junction has been considered. A refuge area of 1.4m width is indicated but is unlikely to be safe to accommodate pedestrians’ needs; it is recommended that this should be at least 2m in width. This is also located where modifications are proposed to the access to serve the Co-op at the former RBS building. The introduction of the refuge in the position shown may hinder vehicle movements on the A6 when a bus is waiting at the revised bus stop location.

7.30 The study area reveals that there have been several accidents involving turning vehicles albeit it would have been preferable for this study area to have been increased to assess
the accident history at T junctions along the A6 corridor of Darley Dale. It is also noted that the trip rates used to estimating the development related traffic are not particularly robust. The Transport Assessment does not pick up on the cycle route (the White Peak Loop) between Matlock and Rowsley; in fact the applicant’s statement advises ‘there are no dedicated cycle facilities in the vicinity of the site’.

7.31 The Transport Assessment states that the layout prioritises pedestrian and cycle movement but this is not entirely clear; it would be desirable to include suitable facilities within the estate street designs and the connection point to Station Road to accommodate pedestrians and cyclists which could be in the form of a widened margin (3m wide) for shared use on one side of the street between the A6 and Station Road.

7.32 The Local Highway Authority has also raised concern with regard to the layout of plots and the highway safety issues that would arise from this. Therefore, given the number of issues highlighted, it is advised that the planning application cannot be supported without these matters being addressed.

Impact on Residents’ Amenity

7.33 Concern has been raised by the residents on Station Road with regard to access to the rear of their properties. However, this civil matter would need to be addressed directly with the developer as there can be no requirement on the Local Planning Authority to intervene on such matters of land ownership and rights of access. Nevertheless, it the right of access exists, the developer may wish to address such matters which, to create a safe environment, may mean reconsideration of the plot layouts in this area.

7.34 Notwithstanding the above, there is concern from the residents of Station Road with regard to the impact of dwellinghouses on their amenity. The dwellinghouses at plots 114, 115 and 123 would present two storey elevations to the rear boundaries of the properties of Wayside, Glencoe and Parkside in particular, to the extent that this would harm the aspect to these gardens and likely lead to overshadowing of these lower garden areas. In addition, whilst the dwellinghouses to plots 88-96 and 125-126 have distances between them and the neighbouring properties on Station Road in excess of 27m, the rear gardens are short (some 6-8m) which means the dwellings would appear rather overbearing on the garden amenity of the neighbours; this could be more adequately addressed by setting the dwellinghouses forward a couple of metres. As such, it is considered that the development will be overbearing on the amenity of some of the residents of Station Road where the development site abuts them.

Flood Risk and Drainage

7.35 During the site allocation process as part of the emerging Local Plan, the Environment Agency advised that the developability of the site was subject to the receipt of a satisfactory Flood Risk Assessment (FRA) which demonstrated, in a clear and transparent manner, that the site has passed or is likely to pass the sequential/exception test. The District Council has had confirmation that the sequential test has been met on the site.

7.36 The Land Drainage Authority has considered the planning application and noted that the proposal is for permeable paving and a gravity sewer system and that the surface water will collect in an attenuation pond with discharge via a pump. However, it would prefer the applicant utilise existing landform to manage surface water in mini/sub-catchments and strongly advise against utilising a pumped surface water system which should be an absolute last resort. This could be potentially accommodated in reconsideration of open space permeating the application site.

7.37 The pump station is also located in Flood Zone 2 and it is advised that the applicant discuss the appropriateness of this with the Environment Agency. It is also advised that there is historical flooding close to the site and that the applicant should consider this when
developing the proposals for the site to ensure that flood risk to and from the site is not exacerbated. Notwithstanding the above, the Land Drainage Authority suggest conditions with regard to the design, management and maintenance for surface water drainage and a detailed assessment through Building Regulations should planning permission be granted.

Archaeology

7.38 The application is supported by an archaeological desk based assessment which identifies a number of archaeological sites and finds within the close environs of the development site which reflect the historical significance of the area. The desk-based assessment concludes that, because the site has remained agricultural in nature for some time, the preservation of any underlying archaeological remains may be very good.

7.39 Taking this into account, along with the potential for the occurrence of early remains on the basis of the sites’ location, it is recommended by the Development Control Archaeologist that the site be archaeologically evaluated to inform the current planning application and a scheme of archaeological works is commissioned, which include the geophysical survey of the site and a programme of trial trenching of any anomalies which occur. This approach is in line with the requirements of paras 128 and 129 of section 12 of NPPF (Conserving and Enhancing the Historic Environment) which relates to developers providing sufficient information to assess the impact of their proposals on the significance and setting of any remains which might survive on the site.

Ecology

7.40 Some concern has been raised with regard to the impact that the development will have on local flora and fauna. The applicant has submitted an ecological appraisal of the site from a qualified ecologist. This advises that the site is of negligible/low value to protected species with most of the site formed by species-poor, semi-improved grassland. Habitats with greater ecological value, such as hedgerow and trees are to be largely retained. It is also considered that there will be enhancements with the creation of the attenuation pond, the creation of native species rich grassland, marginal vegetation around the attenuation pond and hedgerow buffers to the site.

7.41 During the Strategic Housing Land Availability Assessment (SHLAA) Derbyshire Wildlife Trust assessed the site to have low nature conservation value. Derbyshire Wildlife Trust have recorded UK BAP species locally, but stated that they are probably not dependent upon the habitats present within this site. It is therefore considered that there are no known natural environment related constraints and that there is some opportunity to enhance part of the natural environment.

Developer Contributions

7.42 In accordance with the main modifications from the examination into the emerging Local Plan, the requirement for affordable housing is for the provision of 30% of the units on site to be affordable units, with 80% of these being for social rent and the remainder of the balance being provided as intermediate housing or discount starter homes. In this respect, the applicant has advised that the development can only provide for 20% of the dwellinghouses being ‘affordable’ but does not justify such an under provision of the 30% expected on site in accordance with emerging Policy HC4.

7.43 It is appreciated that the landowner has provided the land for the medical centre, but it is unclear as to what extent this amounts to in financial terms. In addition, where it may not be possible to provide the full 30% of affordable dwellinghouses on the site, there is a case in the context of the Policy, in special circumstances, to make a financial contribution to off-site affordable housing development for the 10% of the affordable housing which would otherwise be unrealised. As such, without a detailed explanation and possibly a viability appraisal being submitted for the development, the District Council cannot support a reduction in the affordable housing provision requirements.
7.44 The Head of Housing has requested that 8-12 flats are provided for persons with learning difficulties, and a flat for support staff to meet local need. The provision of such specialist housing would be a matter for negotiation with the Head of Housing and the developer with regard to how this may be addressed but, in principle, it could make sense to utilise the proximity of the new Medical Centre in meeting such needs.

7.45 In terms of the requirement for school provision, the applicant is requested to contribute a sum of £239,379.21 towards provision of 21 primary school places at Darley Churchtown C of E Primary School but requires no contribution to secondary school provision as there is available capacity at Highfields School. The fact that there is no need to provide for secondary school places, which would often occur and be factored into such development costs, is a financial benefit to the developer which could be realised through the increased provision of affordable housing it would seem.

7.46 The provision of an on-site play area and open space is also be required should the application be considered acceptable in principle. Adopted Local Plan Policy L6 requires sites over 0.4ha to provide appropriate outdoor play space appropriate to the scale of development which would be secured through a Section 106 legal agreement.

7.47 As detailed above, the important pedestrian link through from the development to Station Road and recreational facilities at Whitworth Park is poorly located with regard to the majority of potential householders. Therefore, it is considered that this should be turned northwards into the estate where it can become part of an attractive, unenclosed open space system leading through to the existing path. In this respect, the small area of open space shown south of the medical centre site could be repositioned here, and increased in size, to facilitate this. In addition, given the number of dwellinghouses proposed, it is reasonable to provide a play area for younger children on the site in accordance with Policy L6 of the Adopted Local Plan (2005).

Conclusion

7.48 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.49 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.50 The economic role would be served by employment generated during construction along with the benefits to businesses within the village and the wider area from additional resident spend following construction, whilst also adding to the vitality and viability of existing services.

7.51 On the basis of the provision of on-site affordable housing, the social role would be partly met through the delivery of on-site affordable and open market housing to meet the needs of the District in a sustainable location within close proximity to the services and facilities provided within Darley Dale, albeit the lower level of affordable housing proposed has not been fully justified. However, there are concerns with regard to the layout of the development and the impact on the amenity of neighbouring residents of Station Road.

7.52 There are several matters relating to environmental sustainability which have not been adequately addressed. The Local Highway Authority has raised concerns with regard to the layout of the site and how the site is accessed to and from the A6. There are also concerns with regard to the design and layout of the proposed development. The planting
proposed to the front of the medical centre appears to ultimately be the responsibility of the residential developer but has not been addressed with this application. In addition, the proposed landscaping and areas of open space could be improved within the site.

7.53 In terms of the design, character and appearance of the development, thought needs to be given to the site context in creating a development that befits this gateway to the centre of Darley Dale and further consideration to the types and use of materials throughout the scheme. It is considered that the house types do little to reflect on local character and are merely the developer’s preferred standard house types. The end result, in design terms, is an unimaginative, incohesive and restless layout of serried groupings of dwellings served by frontage and grouped parking. When this is combined with the house designs and materials chosen, the development will lack any sense of place and fails to successfully assimilate into its context.

7.54 The Land Drainage Authority has raised concern with the proposals presented for the surface water drainage of the site. Whilst it is suggested that these could be addressed through conditions, it is considered that this would be better addressed as part of informing the layout of the site, particularly if mini/sub-catchments are deemed more appropriate and possible to be accommodated.

7.55 With regard to archaeology, the applicant has provided insufficient information to assess the impact of their proposals on the significance and setting of any remains which might survive on the site. There are also matters to be properly addressed with regard to designing out crime, the landscaping for the site and medical centre, the impacts on existing residents’ amenity, highway safety, land drainage, archaeology and the unjustified reduction in normally expected affordable housing provision. Given the above, it has to be recognised that this is an ill thought out and poorly prepared submission which requires a fundamental rethink to address Officer and community concern. It is accordingly recommended that planning permission be refused.

8. RECOMMENDATION

That planning permission be refused for the following reasons:

1. The development, by reason of its incohesive design, layout and appearance lacks any overriding sense of place and would be harmful to the character of this part of Darley Dale and the gateway it forms to the Darley Dale centre. As such, the proposal fails to comply with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies S8, PD1 and HC1 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

2. The development, by reason of its design and layout, fails to meet with the objectives of protecting the amenity of some existing residents living on Station Road, to which the application site abuts, some of whose gardens would be dominated by the overbearing presence of new buildings and some of whose privacy would be significantly compromised. As such, the proposal fails to comply with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies S8 and PD1 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

3. The development, by reason of its design and layout, fails to meet with the objectives for designing out crime and minimising opportunities for anti-social behaviour given that there are areas of poor passive surveillance in the public and private domains of the proposed development. As such, the proposal fails to comply with Policy NBE27 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policy PD1 of the Deposit Draft
4. To proposal fails to demonstrate a full assessment of the potential for more sustainable surface water drainage of the site, which may influence design parameters for the layout of the residential development. As such, the proposal fails to comply with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies S8, S11, PD1, PD8 and DS2 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

5. The development, by reason of its relationship to the A6 is considered to fail to meet with the requirements for highway safety in terms of the safe access/egress to and from the A6 by vehicle users and pedestrians and could also be detrimental to the free flow of traffic given the highway configuration proposed. Elements of the configuration of the estate streets have failed to demonstrate that they meet the requirements for adequate forward visibility around bends. In addition, it has not been demonstrated that the public highway is able to fully accommodate large vehicles such as refuse collection lorries. As such, the proposal fails to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies HC19, PD1 and DS2 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

6. Insufficient information has been submitted to justify only 20% on-site provision of affordable housing. As such, the proposal fails to comply with the aims of emerging Policies HC4 and DS2 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

7. Insufficient information has been submitted in order to assess the impact the proposals may have on the significance and setting of archaeological remains which might survive on the site. As such, the proposal fails to comply with Policy NBE24 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies S8, PD2 and DS2 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

8. Insufficient information has been submitted to demonstrate the provision and/or management of the open frontage to the A6 with regard to the area associated with the approved medical centre which is important area of landscaping for the setting of the overall development and its relationship to its surroundings. As such, the proposal fails to comply with Policy NBE26 of the Adopted Derbyshire Dales Local Plan (2005), emerging Policies PD1, PD5 and DS2 of the Deposit Draft Derbyshire Dales Local Plan and with guidance contained in the National Planning Policy Framework.

9. **NOTES TO APPLICANT**

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision notice relates to the following documents:

   Site Location Plan received on 15th June 2017
   Drawing No. PS/DD/01E received on 15th June 2017
   Planning Statement received on 15th June 2017
Design and Access Statement received on 15th June 2017
Flood Risk Assessment received on 15th June 2017
Arboricultural Assessment received on 15th June 2017
Ecological Appraisal received on 15th June 2017
Landscape and Visual Baseline Assessment received on 15th June 2017
Economic Appraisal received on 15th June 2017
Framework Travel Plan received on 15th June 2017
Transport Assessment received on 15th June 2017
Archaeological Desk Based Assessment received on 15th June 2017
Planning House Types received on 15th June 2017
## Ashbourne North

<table>
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<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
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<tbody>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00046</td>
<td>Unauthorised engineering comprising of excavations and leveling of land to the rear of 71 Park Avenue.</td>
<td>71 Park Avenue Ashbourne Derbyshire DE6 1GB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00054</td>
<td>Breach of pre-commencement condition 4 of planning permission 17/00169/FUL - erection of garage and swimming pool building and external alterations to barn.</td>
<td>Grange Barn Kniveton Derbyshire DE6 1JQ</td>
<td>Pending Consideration</td>
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## Ashbourne South

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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00030</td>
<td>Unauthorised building works to facilitate a raised platform/decking and additional fencing on land at the rear of 47 South St, Ashbourne.</td>
<td>47 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00038</td>
<td>Unauthorised works to listed building</td>
<td>Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00067</td>
<td>Unauthorised erection of two buildings to the rear of factory and north side of Derby Road, Ashbourne.</td>
<td>Homelux Nenplas Limited Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Pending Consideration</td>
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## Brailsford

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<tr>
<td>ENF/17/00058</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire</td>
<td>South Lodge Long Lane Longford Derbyshire DE6 3DS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00063</td>
<td>Various adverts around Brailsford</td>
<td>Land To The North Of The Telephone Exchange Luke Lane Brailsford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00073</td>
<td>Alleged breach of condition 9 relating to planning permission DDD/0299/0100 - CHANGE OF USE OF PART OF CHEESE FACTORY TO DWELLING WITH COMMERCIAL STUDIO AND SEPARATE OFFICE for Mr S Webb</td>
<td>The Cheese Factory Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Carsington Water</strong></td>
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<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for the purpose of human habitation</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor House, Church St, Brassington, Derbyshire.</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00082</td>
<td>Unauthorised erection of raised platform on land within the conservation area and to the rear of Barnwood, Hopton, Wirksworth, Matlock, Derbyshire DE4 4DF</td>
<td>Barnwood Main Street Hopton Derbyshire DE4 4DF</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00085</td>
<td>Unauthorised building works comprising a change of structure on a building approved under PDA change of use.</td>
<td>Former Wallands Farmhouse Ashbourne Road Brassington Derbyshire DE4 4DB</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Clifton And Bradley</strong></td>
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<tr>
<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
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<tr>
<td><strong>Darley Dale</strong></td>
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<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/ FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of Denacre House and the building of a retaining wall between Denacre House and the road.</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00048</td>
<td>Alleged unauthorised lamp posts.</td>
<td>St Elphins St Elphins Park Darley Dale Derbyshire DE4 2RL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00086</td>
<td>Unauthorised side extension.</td>
<td>Lynfield Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Pending Consideration</td>
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### Dovedale And Parwich

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<tbody>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Notice Issued</td>
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### Hulland

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<th>Reference</th>
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<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00064</td>
<td>Unauthorised change of use of land to create a horse riding Manege' on land West side of Broadway, Kirk Ireton</td>
<td>Caravan At Valley View Broad Way Kirk Ireton Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00065</td>
<td>Unauthorised engineering works to create field access with gate onto Hobs Lane, Kirk Ireton.</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
ENF/17/00072  Breach of condition 1 of planning permission 15/00817/FUL - The temporary mobile home hereby approved shall be removed from the site and the land reinstated to its former condition no later than 18 months from the date of this permission. Occupancy of the dwelling shall be restricted to the applicant and her immediate dependants / family members for the duration of the temporary permission, hereby granted.

Log Cabin At Millfield Stables Millfield Lane Kirk Ireton Derbyshire  Pending Consideration

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<thead>
<tr>
<th>Masson</th>
<th>ENF/16/00107  Unauthorised erection of &quot;carving&quot; building.</th>
<th>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</th>
<th>Pending Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00022  Erection of two wooden sheds.</td>
<td></td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00040  Change of use of premises from a retail sweet shop to a cafe selling hot food.</td>
<td></td>
<td>136 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00061  Unauthorised works to a Listed Building</td>
<td></td>
<td>RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00070  Use of premises as a Cafe.</td>
<td></td>
<td>20 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
### Matlock All Saints

<table>
<thead>
<tr>
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<th>Description</th>
<th>Address</th>
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</thead>
<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;.</td>
<td>High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00043</td>
<td>Engineering operations to create a raised patio area.</td>
<td>161 Smedley Street Matlock Derbyshire DE4 3JG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00069</td>
<td>Unauthorised construction of raised platform/patio.</td>
<td>21 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00090</td>
<td>Breach of condition regarding opening hours.</td>
<td>McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

### Matlock St Giles

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
<td>Brookdale Riber Road Lea Derbyshire DE4 5JQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>72 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00089</td>
<td>Breaches of Planning Control</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00020</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
<td>Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00079</td>
<td>Breach of condition 5 on planning permission 16/00889/FUL</td>
<td>ALS Scaffolding Services Limited Sunnyside Farm Whitelea Lane Tansley Derbyshire DE4 5FL</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/17/00088</td>
<td>Unauthorised creation of pond</td>
<td>Mount Pleasant Nottingham Road Tansley Derbyshire DE4 5GA</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00089</td>
<td>Unauthorised decking and shed.</td>
<td>1 Hill Top Terrace Alfreton Road The Cliff Tansley Derbyshire DE4 5FY</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Norbury**

| ENF/11/00091 | Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF | Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF | Notice Issued |
| ENF/13/00050 | Unauthorised building works to an agricultural building. (Increasing the height). | Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire | Pending Consideration |
| ENF/14/00030 | Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft. | Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET | Pending Consideration |
| ENF/16/00068 | Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere". | Land To The South Of West View Shields Lane Roston Derbyshire | Pending Consideration |
| ENF/17/00029 | Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed | WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE | Notice Issued |
| ENF/17/00056 | Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire | Old House Farm Can Alley Roston Derbyshire DE6 2EF | Pending Consideration |

**Winster And South Darley**

| ENF/17/00053 | Unauthorised rear extension | 72 Eversleigh Rise Darley Bridge Derbyshire DE4 2JW | Pending Consideration |

**Wirksworth**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00023</td>
<td>Breach of conditions on planning permission 14/00891/FUL</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00031</td>
<td>Unauthorised installation of a white plastic door and window.</td>
<td>1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00051</td>
<td>Unauthorised change of use of garage/store to beauty studio.</td>
<td>The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Total Open Cases**: 75
## Enforcement Investigations Closed

### In the 6 Months Prior to 23/08/2017

| Ashbourne North |  |
|-----------------|----------------|-------------------|-----------------|----------------|
| ENF/12/00110    | Unauthorised extension to dwelling - side and rear extension fronting the highway. | 112 Park Avenue Ashbourne Derbyshire DE6 1GB | Complied Voluntarily | 29/03/2017 |
| ENF/17/00005    | Unauthorised extension to dwelling - side and rear extension fronting the highway. | 112 Park Avenue Ashbourne Derbyshire DE6 1GB | Complied Voluntarily | 09/03/2017 |
| ENF/17/00019    | Unauthorised erection of timber structure in field to rear of Sunny Mount, Windmill Lane, Ashbourne, DE6 1JA | Sunny Mount Windmill Lane Ashbourne Derbyshire DE6 1JA | Complied Voluntarily | 12/06/2017 |
| ENF/17/00037    | Alleged unauthorised engineering operation to clear the rear garden and create hardstanding area. | 71 Park Avenue Ashbourne Derbyshire DE6 1GB | Complaint Unfounded | 19/04/2017 |

| Ashbourne South |  |
|-----------------|----------------|-------------------|-----------------|----------------|
| ENF/16/00031    | Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work. | Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB | Complied Voluntarily | 29/03/2017 |
| ENF/16/00103    | Alleged replacing of timber windows for plastic, within a conservation area. | The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE | Complaint Unfounded | 08/03/2017 |
| ENF/17/00075    | Unauthorised erection of shed on land to rear of 49 Lodge Farm Chase, contrary to condition 9 of planning permission 13/00854/REM - Erection of 38 no. dwellings and associated public open space and infrastructure (approval of reserved matters) | 49 Lodge Farm Chase Ashbourne Derbyshire DE6 1GY | Complied Voluntarily | 28/07/2017 |
| ENF/17/00083    | Removal of boundary hedgerow | Land South Of Old Derby Road Ashbourne Derbyshire | Complaint Unfounded | 11/08/2017 |

| Brailsford |  |
|------------|----------------|-------------------|-----------------|----------------|
| ENF/15/00021 | Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway. | Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT | Complied Voluntarily | 07/03/2017 |
| ENF/16/00106 | Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as "Rick Yard Orchard", Church Lane, Brailsford. | Rick Yard Orchard Church Lane Brailsford Derbyshire | Complied Voluntarily | 10/03/2017 |
| ENF/17/00009 | Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio. | Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG | Planning Application Received | 22/06/2017 |
| ENF/17/00050 | Unauthorised change of use of domestic garage to use for commercial dog grooming parlour. | The Spruces Main Road Brailsford Derbyshire DE6 3DA | Planning Application Received | 18/08/2017 |

**Carsington Water**

| ENF/15/00108 | Non compliance with approved plans “Erection of two dwellings” at Peakland View, Darley Dale, office code 14/00300/FUL | Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN | Complied Voluntarily | 08/03/2017 |
| ENF/17/00010 | Unauthorised building/demolition works | Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL | Planning Application Received | 26/04/2017 |

**Clifton And Bradley**

| ENF/17/00012 | Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway. | Westwood Clifton Road Clifton Derbyshire DE6 2DH | Complied Voluntarily | 22/06/2017 |
| ENF/17/00036 | Confirmation of satisfactorily complying with terms and conditions of s.106 relating to planning permission 05/00759/OUT - Waterside Park Development, Former Nestle' Factory, Ashbourne | Waterside Park Waterside Road Ashbourne Derbyshire | Not in the Public interest to pursue | 11/04/2017 |

**Darley Dale**

<p>| ENF/13/00022 | Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office. | Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP | Appeal Allowed | 08/03/2017 |
| ENF/15/00034 | Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses. | Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock. | Not in the Public interest to pursue | 29/03/2017 |
| ENF/16/00055 | Unauthorised engineering works to facilitate caravan hardstanding pitches | Tax Farm Farley Lane Farley Derbyshire DE4 5LQ | Planning Application Received | 08/03/2017 |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Type of Issue</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00071</td>
<td>Unauthorised engineering operations</td>
<td>The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
</tr>
<tr>
<td>ENF/17/00044</td>
<td>Alleged use of property for car and motorcycle repairs.</td>
<td>47 Painters Way Two Dales Derbyshire DE4 2SB</td>
<td>Complaint Unfounded</td>
<td>22/05/2017</td>
</tr>
<tr>
<td>ENF/17/00091</td>
<td>Alleged unauthorised fence.</td>
<td>Meadow View Centre 300 Bakewell Road Matlock Derbyshire DE4 2JF</td>
<td>Complaint Unfounded</td>
<td>23/08/2017</td>
</tr>
<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL.</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Planning Application Received</td>
<td>09/05/2017</td>
</tr>
<tr>
<td>ENF/17/00055</td>
<td>Alleged breach of condition relating to removal of P/D rights.</td>
<td>Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW</td>
<td>Complaint Unfounded</td>
<td>08/06/2017</td>
</tr>
<tr>
<td>ENF/17/00066</td>
<td>Unauthorised building work to create a chimney on roof of barn conversion</td>
<td>Highcroft Hillcliff Lane Turnditch Derbyshire DE56 2EA</td>
<td>Complied Voluntarily</td>
<td>11/08/2017</td>
</tr>
<tr>
<td>ENF/16/0024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrows Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/0028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Planning Application Received</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/0037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Planning Application Received</td>
<td>24/05/2017</td>
</tr>
<tr>
<td>ENF/16/0063</td>
<td>Change of Use of premises to Cafe</td>
<td>Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complaint Unfounded</td>
<td>16/05/2017</td>
</tr>
<tr>
<td>ENF/16/0066</td>
<td>Alleged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td>Kostas Restaurant 138 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Not in the Public interest to pursue</td>
<td>29/03/2017</td>
</tr>
</tbody>
</table>
ENF/16/00076  Unauthorised “mini fish, chips & peas” banner on railings. Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR Complied Voluntarily 29/03/2017

ENF/16/00078  Works to clad a bus stop in stone. Bus Stop Near To The Fountain. Bonsall. Complied Voluntarily 29/03/2017

ENF/17/00025  Alleged unauthorised ride/attraction. Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG Complaint Unfounded 06/03/2017

ENF/17/00027  Unauthorised erection of a satellite dish. 4 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA Complied Voluntarily 13/06/2017

ENF/17/00028  Engineering operations to extend a car parking area. Rock View Temple Walk Matlock Bath Derbyshire DE4 3PG Planning Application Received 24/07/2017

ENF/17/00032  Alleged new blockwork wall. Masson Road Matlock Bath Complaint Unfounded 04/04/2017

ENF/17/00039  Unauthorised installation of a new illuminated fascia sign on a Listed Building 136 North Parade Matlock Bath Derbyshire DE4 3NS Planning Application Received 08/08/2017

ENF/17/00045  Unauthorised satellite dish. 3 Holme Villas Brunwood Road Matlock Bath Derbyshire DE4 3PA Complied Voluntarily 13/06/2017

ENF/17/00071  Alleged unauthorised car standing space 16 Rose End Avenue Cromford Derbyshire DE4 3QP Complaint Unfounded 11/07/2017

ENF/17/00080  Alleged unauthorised works to a Listed Building. 19 North Street Cromford Derbyshire DE4 3RG Complaint Unfounded 09/08/2017

ENF/17/00081  Alleged unauthorised C.O.U to a wedding venue Masson Farm St Johns Road Matlock Bath Derbyshire DE4 3PQ Complaint Unfounded 09/08/2017

ENF/17/00084  Alleged unauthorised works. County And Station Hotel 258 Dale Road Matlock Bath Derbyshire DE4 3NT Complaint Unfounded 14/08/2017

Matlock All Saints

ENF/15/00087  Breach of conditions on planning application number 14/00493/FUL 10 Imperial Road Matlock Derbyshire DE4 3NL Complied Voluntarily 21/06/2017

ENF/16/00015  Breach of condition 2 on planning permission (office code) 13/00005/FUL. 19 Dale Road Matlock Derbyshire DE4 3LT Not in the Public interest to pursue 04/04/2017

ENF/16/00038  Unauthorised erection of fences and alleged car sales business. 2 Bentley Close Matlock Derbyshire DE4 3GF Complied Voluntarily 29/03/2017

ENF/17/00006  Unauthorised erection satellite dish. 12 Snitterton Road Matlock Derbyshire DE4 3LZ Complied Voluntarily 08/03/2017
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/17/00011</td>
<td>Erection of retaining wall at the bottom of the garden adjacent to a footpath.</td>
<td>64 Wellington Street Matlock Derbyshire DE4 3GS</td>
<td>Planning Application Received</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00034</td>
<td>Demolition of dwelling.</td>
<td>The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ</td>
<td>Planning Application Received</td>
<td>14/08/2017</td>
</tr>
<tr>
<td>ENF/17/00062</td>
<td>Alleged unauthorised fencing</td>
<td>Jackson Tor Hotel 76 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/17/00068</td>
<td>Alleged unauthorised railings at 47-49 Smedley Street East, Matlock.</td>
<td>47 Smedley Street East Matlock Derbyshire DE4 3FQ</td>
<td>Complaint Unfounded</td>
<td>10/07/2017</td>
</tr>
</tbody>
</table>

**Matlock St Giles**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material in the rear garden.</td>
<td>157 Hurst Rise Matlock Derbyshire DE4 3EU</td>
<td>Not in the Public interest to pursue</td>
<td>27/03/2017</td>
</tr>
<tr>
<td>ENF/17/00017</td>
<td>Breach of conditions on planning permission 16/00598/FUL- Erection of replacement dwelling and garage and retention of existing dwelling as ancillary accommodation at Pinetrees, Upper Lumsdale, Matlock.</td>
<td>6 Pond Cottages Upper Lumsdale Matlock Derbyshire DE4 5LB</td>
<td>Complied Voluntarily</td>
<td>22/08/2017</td>
</tr>
<tr>
<td>ENF/17/00021</td>
<td>Alleged non compliance with Certificate of Lawful Proposed Development.</td>
<td>7 Asker Lane Matlock Derbyshire DE4 3FY</td>
<td>Complaint Unfounded</td>
<td>28/02/2017</td>
</tr>
<tr>
<td>ENF/17/00059</td>
<td>Extensions/building works to Veronica</td>
<td>Veronica Alders Lane Tansley Derbyshire DE4 5FB</td>
<td>Complaint Unfounded</td>
<td>21/08/2017</td>
</tr>
<tr>
<td>ENF/17/00060</td>
<td>Alleged unauthorised vehicular access.</td>
<td>25 Knowleston Place Matlock Derbyshire DE4 3BU</td>
<td>Complaint Unfounded</td>
<td>19/06/2017</td>
</tr>
</tbody>
</table>

**Norbury**

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<thead>
<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/17/00015</td>
<td>Unauthorised engineering works to facilitate roadway onto agricultural field.</td>
<td>Meadow View Alkmonton Road Boylestone Derbyshire DE6 5AD</td>
<td>Not in the Public interest to pursue</td>
<td>28/07/2017</td>
</tr>
<tr>
<td>ENF/17/00024</td>
<td>Unauthorised building works - Building not in accordance with approved plans - 15/00779/FUL Conversion of barn to dwelling</td>
<td>Old Barn Riggs Lane Marston Montgomery Derbyshire DE6 2FD</td>
<td>Planning Application Received</td>
<td>18/03/2017</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
<td>Date</td>
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<tr>
<td>-------------</td>
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<td>---------------------------------------------------</td>
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</tr>
<tr>
<td>ENF/17/0007</td>
<td>Alledged unauthorised engineering works to raise land level within the curtilage of Dove Bank House, Marston Bank, Roston</td>
<td>Dove Bank House Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complaint Unfounded</td>
<td>21/08/2017</td>
</tr>
<tr>
<td>ENF/15/0007</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/15/0008</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/0004</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/0006</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complaint Unfounded</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/0008</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Planning Application Received</td>
<td>27/03/2017</td>
</tr>
<tr>
<td>ENF/17/0001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Planning Application Received</td>
<td>08/05/2017</td>
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<tr>
<td>ENF/17/0003</td>
<td>Creation of an additional dwelling.</td>
<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
<td>Planning Application Received</td>
<td>14/06/2017</td>
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<tr>
<td>ENF/17/00035</td>
<td>Unauthorised use of access for construction traffic and materials.</td>
<td>Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS</td>
<td>Complied Voluntarily</td>
<td>13/06/2017</td>
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**Total Closed Cases**: 68
PLANNING COMMITTEE – 5th September 2017

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
<td>Southern</td>
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<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal dismissed - copy of appeal decision attached</td>
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<td>16/00567/OUT</td>
<td>Land off Main Road, Brailsford</td>
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<td>Land east of Derby Road, Doveridge</td>
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<td>17/00052/FUL</td>
<td>83 The Green Road, Ashbourne</td>
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<td>16/00362/FUL</td>
<td>12 Market Place, Cromford</td>
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<td>16/00775/OUT</td>
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<td>17/00196/FUL</td>
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<td>17/00259/FUL</td>
<td>Windmill Cottage, Willersley Lane, Cromford</td>
<td>HH</td>
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WR - Written Representations
IH - Informal Hearing
PI – Public Inquiry
LI - Local Inquiry
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decisions

Inquiry Held on 13 June 2017
Site visit made on 16 June 2017

by Alan Novitzky  BArch(Hons) MA(RCA) PhD RIBA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2017

Scheme A Ref: APP/P1045/W/16/3152087
Babbs Lane, Doveridge, Derbyshire DE6 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission with all matters except means of access reserved for later decision.
- The appeal is made by Gladman Developments Ltd against Derbyshire Dales District Council.
- The application Ref 16/00095/OUT, is dated 11 February 2016.
- The development proposed is up to 165 dwellings (35% affordable), up to 47 units of C2 Extra Care, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, children’s play area, surface water attenuation, vehicular access point from Babbs lane and associated ancillary works. All matters to be reserved with the exception of the main site access.¹

Scheme B Ref: APP/P1045/W/16/3152087
Babbs Lane, Doveridge, Derbyshire DE6 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters except means of access reserved for later decision.
- The appeal is made by Gladman Developments Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 16/00879/OUT, dated 5 December 2016, was refused by notice dated 15 March 2017.
- The development proposed is up to 100 dwellings, including affordable, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, surface water attenuation, vehicular access point from Babbs Lane and associated ancillary works. All matters to be reserved with the exception of the main site access.²

Decisions

Scheme A:

1. The appeal is dismissed and planning permission for up to 165 dwellings (35% affordable), up to 47 units of C2 Extra Care, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, children’s play area, surface water attenuation, vehicular access point from Babbs lane and associated ancillary works is refused.

¹ Agreed description based on the amendments set out at CD14.21
² Agreed description based on the amendments set out at CD14.21
Scheme B:

2. The appeal is dismissed.

Preliminary Matters

3. Scheme B arises from a second application submitted to the Council and decided whilst the appeal process for Scheme A was in train. The putative and actual reasons for refusal for the two schemes are similar and concern the effects of encroachment into the countryside. In addition to the consultation embodied in the application process, the appellant carried out a consultation exercise prior to the Inquiry to ensure that the public were aware of the appellant’s wish to present Scheme B to the Inquiry.

4. No objection was put forward when views were sought at the Inquiry on whether Scheme B should be considered alongside Scheme A. Evidence had been prepared by all parties to cover both schemes. Since no party’s interests would be prejudiced, I decided that both schemes should be considered at the Inquiry.

5. The main site access for both schemes is shown in drawing F0296-001-002A. All other scheme material submitted is to be regarded as illustrative of ways of executing the proposals.

6. The main parties’ closing submissions were made in writing after the Inquiry had finished sitting. The Inquiry was closed in writing on 11 July 2017.

Main Issues

- The extent and nature of the Council’s housing land supply
- The effect of the proposals on the character and appearance of the landscape
- Any other matters relevant to the planning balance

Reasons

First Issue - Housing Land Supply

7. The development plan comprises the Derbyshire Dales Local Plan, adopted in 2005 (LP). The hearing sessions for the Examination in Public (EIP) of the emerging Local Plan (ELP) were completed on 23 May 2017 and the Council’s Proposed Modifications were about to be put on deposit for consultation at the time the present Inquiry closed.

8. The Derbyshire Dales Housing and Economic Development Needs Assessment 2015 (HEDNA) set an objectively assessed need (OAN) requirement of 6,440 dwellings across the period 2013 to 2033 based on the 2012 Population and Household Projections. However, the OAN requirement derived from the Council’s Local Plan EIP M4/1 Statement amounts to 5,680 dwellings based on

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3 ID30 and ID31
4 ID11, ID27
5 CD8.1
6 CD8.10

https://www.gov.uk/planning-inspectorate
the 2014 Population and Household Projections. Since these are the most recent figures and they were not challenged at the EIP, I see no reason to depart from them.

9. During the Inquiry it was agreed that calculation of the Housing Land Supply (HLS) should be based on the Sedgefield method, incorporating the accumulated backlog from 2013/14 to 2016/17 within the first five years figures. Also, that a 20% buffer should be applied to the combined requirement. The first Inquiry day was given over to a round table discussion of the sites identified by the Council as comprising the five year HLS. This was based on the Disputed Sites Pro-Formas set out in Richard Mowat’s Appendix 2, updated in his email of 8 June 2017; and Paul Wilson’s Rebuttal proof of evidence, also emailed to PINS on 8 June 2017.

10. Near agreement was reached on provision within the calculation for the projected lapse of planning permissions on small sites, following the Council’s submission of historical data. However, there was no agreement on whether to include the first two years windfall estimates, the appellant contending that, given the lead-in time before delivery, such sites would already have been identified within figures for the early years of the HLS.

11. The Council described the overall windfall figure as robust since it is based on a projected annual average of less than half the historic average. Moreover, the average is expected to increase under the ELP since residential development would be appropriate in many more settlements. However, the difference is not critical, amounting to only some three weeks HLS.

12. Planning Practice Guidance (PPG) makes clear that it is the role of the Local Plan examination to fully consider housing requirements and the deliverability of sites to meet a five year HLS in a way that cannot be replicated in the course of determining individual appeals. It would be inappropriate in this decision to examine the deliverability of every site in detail, since this is the role of the EIP and the Inspector’s report is likely to be issued shortly. Instead, the contentious sites will be examined in broad categories.

Sites which may not come forward at all

13. These comprise Ladygrove Mill (Site 2), Land at Halldale Quarry (Site 4), Cawdor Quarry (Site 5), Tansley Wood Mills (Site 6), and Whiteleas Nursery (Site 20).

14. Although storage uses are being carried out at Ladygrove Mill and are advertised on a website, I see no reason to doubt that, as the Council maintains, the planning permission has been implemented. The present uses would be quick and easy to displace, and there appears to be no physical or legal impediment to development.

15. Likewise, the appellant tells us that Whiteleas Nursery appears to be in active use by UK Bamboos and that no reliable evidence is available to indicate that the owner intends to develop the site in the near future. However, the Council

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7 ID14
8 Housing and economic land availability assessment, para 033, Ref ID: 3-033-20150327

https://www.gov.uk/planning-inspectorate
points to a statement of common ground presented at the EIP as evidence of deliverability within the five year period.

16. Tansley Wood Mills is in a similar position. The Council notes that planning permission has been implemented through demolition works, whilst the appellant says that the site appears abandoned.

17. The appellant indicates viability concerns with both Halldale Quarry and Cawdor Quarry based on reports prepared by the District Valuer (DV) and, with regard to Halldale, notes that a planning permission dating from 2008 has not been taken up. However, the Council observes that the DV concluded the site would be viable and gave consideration to clawback provision were viability to change.

18. The 2008 permission for Cawdor Quarry has been partially built out and further applications and a revised layout submitted. The Council described detailed engagement with the developer over proposals for a high quality spa development. Further, I note that the developer has incurred substantial historic costs which he would be keen to recover and has a very significant track record as a successful developer elsewhere.

19. Overall, in this category, I find that the Council’s analysis of deliverability is generally robust, and the figures they put forward are likely to be largely achieved.

Sites where the delivery time frame is questioned

20. These comprise the Ashbourne Airfield sites, which would be developed in two phases (Sites 3 and 9), as the largest combined development in ELP allocations; land to the rear of the RBS, Darley Dale (Site 13); Land at the RBS, Matlock (Site 17); land off Pinewood Road, Matlock (Site 18); and Land at Middlepeak Quarry (Site 22).

21. The appellant tells us that a condition caps development to 75 units at the Ashbourne Airfield sites until a link road is built, that a reserved matters scheme has yet to be submitted, and that the owner has yet to reach agreement with a developer. The appellant takes the position that no more than the 75 units can be expected within the 5 year period, since the link road is unlikely to be completed by then.

22. However, the Council points out that the link road now has full planning permission, a £1m grant has been made available towards its construction, and tenders are about to be issued. Moreover, discussions are in train between the owner and developers, and a reserved matters scheme is being worked up for submission. I would expect the link road to be in place well before the end of the five year period and substantial progress to have been made with the proposed dwellings.

23. There is no reason to suppose delay will occur in processing the planning application submitted for the land to the rear of the RBS, Darley Dale. The only point of contention is the rate of delivery of completed dwellings. The delivery tranches set out in the EIP statement of common ground, based on a maximum of 40 units per year, seem achievable to me.
24. Turning to land at the RBS, Matlock, the single point of contention concerns heritage matters. The site lies in the grounds of a Grade II listed building and within a conservation area. It is a small site of 24 units and, provided there are no fundamental difficulties halting progress, should be easily deliverable within the five year period. Heritage implications are not uncommon in Matlock and they are recognised in the EIP statement of common ground. I see no reason to doubt the Council's assessment.

25. Regarding land off Pinewood Road, Matlock, the appellant accepts that the site is likely to come forward in the next five years, the single point of contention being the delivery timescale. The developer had agreed to delay submitting a planning application to allow the LP Inspector to consider third party objections. The appellant says this indicates the site is controversial but does not show why it should be.

26. However, the environmental impact assessment is already complete and the EIP statement of common ground clearly aims for a start on site in 2018. I see no reason why the completion of 100 dwellings within the remainder of the five year period should pose difficulties.

27. Turning finally to Land at Middlepeak Quarry, the appellant notes a viability concern, but does not elaborate, mainly referring to delay because of the extent of preparatory works necessary before the site can be built out. However, the EIP statement of common ground indicates that the developer is well aware of the extent of the preparatory works and their time implications.

Other sites subject to statements of common ground

28. These comprise the Former Mirage Hotel (Site 8); Land off Cavendish Drive, Ashbourne (Site 10); Land at Old Hackney lane, Darley Dale (Site 11); Land at Old Hackney Lane, Darley Dale (Site 12); Land off Normanhurst Park, Darley Dale (Site 14); Land at Sand Lane, Doveridge (Site 16); and Land at Middleton Road (Site 21).

29. The appellant tells us that the developers of these sites are not tied to the time frames set out in the EIP statements of common ground and argues that no developer would refuse to sign a statement of common ground because it considers delivery projections too ambitious. By doing so they would risk other sites with more amenable developers being allocated instead. However, in my experience, it is generally in the developer’s interests to build out as rapidly as practicable, allowing re-employment of capital elsewhere. The delivery rates appear reasonable and I see no reason to cast serious doubt on the trajectories set out in the statements of common ground.

Other sites

30. Regarding St Elphin’s Park, Dales Road South, Darley, a point of difference exists over whether 110 completed and 20 projected Use Class C2 dwellings ought to be counted. At the Inquiry, the discussion focussed on whether these dwellings could be said to be available to the housing market, but no agreement was reached and I find insufficient relevant evidence to form a view.
Conclusion

31. The appellant’s figure of 4.48 years HLS,\(^9\) presented at the Inquiry following the round table discussion, compares with the Council’s figure of 6.7 years taking into account the C2 dwellings, or 6.29 years without the C2 dwellings.\(^{10}\) Having heard the evidence and studied the resulting figures, I find no persuasive reason to think that the Council cannot demonstrate a robust five year HLS, even if their projected figures are not fully achieved. Therefore, paragraph 14 of the NPPF is not engaged by paragraph 49.

Second Issue - Landscape Character and Appearance

32. The site is not subject to any formal landscape designation. Reference was made at the Inquiry to a number of documents regarding assessment of landscape sensitivity. Many are coarse grained and of limited applicability to assessing the particular landscape attributes of the appeal site.

33. The Derbyshire County Council Areas of Multiple Environmental Sensitivity Study 2013\(^{11}\) aims to assess the environmental sensitivity of landscape description units over the whole county through examination of the ecology, the historic environment, and visual unity of each. Doveridge is not rated for landscape sensitivity based on visual unity in the Study.

34. This is not helpful for present purposes, since there may well be other aspects of landscape sensitivity of value besides visual unity. Furthermore, the Study offers no way of differentiating the site from any other part of Doveridge or its surroundings.

35. The Derbyshire Dales Local Plan Settlement Hierarchy paper, 2015\(^{12}\) scores economic, social and environmental attributes of settlements by strength. Doveridge scores higher on environmental attributes than other settlements, reflecting an assessment of the ability of its local environment to accommodate new development.

36. However, the paper notes that scores under this heading are all low (in absolute terms) and limited in range, reflecting the significant environmental constraints affecting all settlements in the District. For some reason, the 2016 paper\(^{13}\) omits consideration of environmental attributes altogether. The documents are of little help since they say nothing about particular sites.

37. The Derbyshire Dales District Council Landscape Sensitivity Study (LSS), August 2015\(^{14}\) looks at the sensitivity aspects of settlements within the District with the aim of providing a context for the allocation of sites for housing development. It seeks to inform planning decision making, and to contribute to the evidence base for the Local Plan. With regard to Doveridge, it notes that the village remains compact with development clustered about the network of narrow lanes on the southern side of the Derby Road.

\(^9\) ID29
\(^{10}\) ID28
\(^{11}\) CD14.5
\(^{12}\) CD8.3
\(^{13}\) CD8.2
\(^{14}\) CD14.9

https://www.gov.uk/planning-inspectorate
38. It tells us that the land to the north east of the settlement comprises agricultural fields, the majority of which are important in contributing [to] the rural approach to the settlement, and land to the east of the settlement located beyond the Derby Road acts as a strong limit to development. The LSS also notes that further land to the north east of the village is visually prominent and open. It tells us that development within this area is limited to individual farmsteads, and describes it as a transitional area between the village and the urbanising influence of the A50, important in creating a rural approach to the settlement.

39. Rather at variance with this analysis, the document also states that to the north east of the village there are three fields north of Derby Road and east of Babbs Lane which do not contribute to the rural approach to the settlement, as they have low visual prominence when viewed from the settlement approach and are semi-enclosed by hedgerows and individual trees. It notes that additional planting on the northern boundary of these fields could further reduce their visual prominence and create a strong, vegetated settlement edge.

40. This comment must refer to the approach from the north along Marston Lane, (not a major route), since it is only from here that planting on the northern boundary would reduce visual prominence. However, it neglects the approach from the east along Derby Road which, despite interruptions by buildings and foliage, provides a significant visual experience of open countryside to the north, to which the three fields contribute. Most importantly, it also ignores the harm to the settlement’s landscape character which would be caused by developing land to the east beyond Derby Road, thereby breaching the strong limit to development referred to earlier in the LSS.

41. The LSS concludes that the three fields enclosed by the Derby Road and Babbs Lane to the north east of the village – the south western part of the site – are of medium sensitivity whilst the remainder of the site is of high sensitivity.

42. The Strategic Housing and Employment Land Availability Assessment (SHELAA) 2016 reflects the LSS’s assessment of potential for adverse impact on landscape character and ecology (the intrusion of development into the open countryside and the risk to hedgerows and trees) through development of the site. From the LSS’s conclusions it also implies some capacity for development within the south west of the site (the three fields) if appropriate and sufficient mitigation measures are included.

43. On the other hand, it tells us that land against the northern and eastern boundaries should not be developed but retained as part of the countryside setting of the village and to act as a buffer zone between the settlement and the A50. It also points to the likely harmful impact of development on the medieval ridge and furrow earthworks. However, at the Inquiry, it was generally accepted that the site’s ridge and furrow features are barely visible. Moreover, there are better examples of this historic land form elsewhere locally.

15 CD8.4

https://www.gov.uk/planning-inspectorate
44. Beyond the compact settlement, the landscape washes over scattered groups of buildings. The Council’s Landscape Character of Derbyshire Dales describes a landscape of predominantly small to medium sized semi-regular fields enclosed by hedgerows, with the cultural pattern remaining essentially intact. This holds true for the appeal site, which retains the majority of the hedgerows shown on the 1901 OS map. A good network of footpaths traverses the site which, overall, presents a farming landscape little different from that elsewhere outside local settlements.

45. Either proposal would radically alter the character of the landscape. Although it might be possible to retain or reinforce most of the hedgerows, that along Babbs Lane, together with its mature trees, whatever their condition, would be lost or significantly harmed by the widening necessary to accommodate the site access. Were either proposal to go ahead, there would probably be too little time between the developer acquiring the site and adapting the Babbs Lane access for construction purposes to allow preparation for translocation of the hedge. In any event, the character of the Lane would change from that of a quiet rural cul-de-sac, used by walkers, to that of a carriageway almost 7m wide, clearly dedicated to vehicle use, together with a 2m wide footpath.

46. Moreover the general field pattern would be lost within a layout of housing plots served by a branching road system whose geometry would inevitably be at odds with the field pattern. Within this layout, the public open spaces suggested in the Design and Access Statements would not materially relieve the changed landscape character.

47. The footpaths would no longer serve rural excursions but would simply become means of passing through the housing development. In addition, the acoustic bund would form an unnaturally prominent feature within the very gently undulating landscape.

48. Overall, the site’s open rural landscape character, which provides the necessary context for the clear edge to the compact settlement, formed by Derby Road, would be entirely lost.

49. Turning to visual matters, many of the photographs in the Landscape and Visual Appraisals and amongst the witnesses’ evidence illustrate the harmful effect that the proposals would have on the open landscape, so important in containing the settlement and separating it from the A50.

50. As already indicated, views from the footpaths within the site would be fundamentally altered in nature. Furthermore, the majority of the views from the footpaths into open countryside to the north, including those towards the higher land of Somersal Herbert, would be lost. In my opinion this would be significantly harmful, despite the greater security under foot given by finished surfaces.

51. There would be similar losses from receptors on Derby Road, whether driving or walking. Views from Babbs Lane would also change for the worse with the

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16 CD14.6
17 Billingsley Appendices, Fig 04
18 CD1.4 and CD13.3
19 CD1.5 and CD13.4

https://www.gov.uk/planning-inspectorate
intervention of built development to the east, dominated in particular by the three storey care home in Scheme A. Views southwards from Marston Lane would be intercepted by the planted acoustic bund, replacing those of the open landscape defining the edge to the compact settlement. This would be moderately harmful, since an opportunity to perceive the rural approach to the settlement would be lost.

52. The outlook from residential properties would also be affected, with some loss of amenity for Rose Cottage and Holme Lea in Scheme A. From the upper windows of Cavendish Cottage there would be some loss of outlook. There would also be some loss of outlook from the properties backing onto Derby Road, especially from windows in upper levels.

53. On the other hand, Doveridge’s visual envelope is relatively small. The site might feature in some views from the north, but the effects would be quite minor.

54. I do not think either landscape or visual cumulative effects would be material to this case. The Doveridge sites allocated in the ELP or granted planning permission are all an integral part of the compact settlement, despite the appellant questioning whether the sensitivity of the Hall Lane site had been correctly assessed. The proposals site is not an equivalent part of the compact settlement. The appeal schemes would be harmful for the landscape reasons identified, irrespective of whether the other Doveridge sites were built out.

55. Scheme B would not reduce the harm to acceptable levels, since it would still breach the strong limit to development offered by Derby Road.

56. Both proposals conflict with LP Policy NBE8 (Landscape Character), a policy which accords with the aims of the NPPF in recognising the intrinsic character and beauty of the countryside, and with ELP Policy PD5 (Landscape Character). They also conflict with LP Policy SF5 (Design and Appearance of Development), which accords with the NPPF, regarding their effect on the quality and local distinctiveness of the surroundings, and with ELP Policy PD1 (Design and Place Making).

57. The effect of the proposed developments on the character and appearance of the landscape would be unacceptable.

**Third Issue - Planning Balance**

58. The Council notes that the LP is time expired in respect of housing provision policies, since it sought to meet needs only up to 2011. Moreover, the main parties agree, whether or not a five year HLS can be demonstrated, that LP Policy H4 (Housing Development Outside Settlement Framework Boundaries) and LP Policy SF4 (Development in the Countryside) are out of date.

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20 ID18
21 NPPF para 17, fifth bullet,
22 Section 7, Requiring good design
23 Wilson proof para 4.4
24 CD7.1 - LP Policy H4 restricts such development to housing essential to agriculture, forestry or other enterprise that needs to be in that location; or consists of affordable housing for an identified local need.
25 Statement of Common Ground para 3.2.5

[https://www.gov.uk/planning-inspectorate](https://www.gov.uk/planning-inspectorate)
59. Paragraph 215 of the NPPF tells us that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. LP Policy H4, states that planning permission will be granted for housing that is essential for the operation of agriculture, forestry or other enterprises that need to be in that location; or consists of affordable housing for an identified local need. This policy content is consistent with paragraphs 54 and 55 of the NPPF (delivering a wide choice of high quality homes, in rural areas).

60. LP Policy SF4 sets criteria for acceptable development in the countryside which reiterate and expand on the content of LP Policy H4. The criteria of LP Policy SF4 are consistent with the NPPF core planning principles, particularly the fifth bullet of paragraph 17, and with paragraph 28 (supporting a prosperous rural economy) as well as with paragraphs 54 and 55.

61. Moreover, ELP settlement boundaries closely match those covered by LP Policy H4 and the aims of ELP Policy S5 (Development in the Countryside) are similar to those of LP Policy SF4. They can, therefore, be given a significant degree of weight and I see no reason why, as relevant policies, they should be considered out of date. The proposals fail to meet any of the criteria of LP Policy H4 or LP Policy SF4.

62. The benefits of the proposals include the provision of market and affordable housing. This provision, in accordance with the three dimensions to sustainable development - economic, social and environmental - set out in the NPPF, is very important, whether or not a five year HLS can be demonstrated.

63. Regarding the economic dimension, house prices are higher in the Derbyshire Dales District than in neighbouring areas, the county as a whole and the national average according to the HEDNA report. This implies poor affordability for the young and less well-off, which could lead to an unbalanced age and social mix in the District. Clearly, increased supply is necessary to help relieve this potential problem.

64. However, the HEDNA has informed the ELP process and a significant number of sites have been allocated to meet the OAN, having regard to both quantum and location. ELP Policy S3 (Settlement Hierarchy) places Doveridge in the third tier (accessible settlements with limited facilities) of settlements towards which new development should be directed. It lies behind the first tier (market towns) comprising Matlock, Ashbourne and Wirksworth; and the second tier (local service centre) of Darley Dale. It is, therefore, not the primary or secondary focus of new development.

65. Moreover, the June 2016 Settlement Hierarchy paper scores Doveridge at only four points out of 20, reflecting the number of businesses providing employment and the relationship of the settlement to nearby employment centres and large employment sites. This compares to 18 out of 20 for Darley Dale and 14 out of 20 for Matlock Bath and suggests that, to optimise economic benefit, additional housing would be better directed to higher scoring settlements.

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26 NPPF paras 7 and 8
27 CD8.1, Section 6
28 CD8.2
66. Short term economic benefits would flow from the construction process, and this should be given some weight, but it is difficult to know whether local labour would be involved. Similarly, the C2 facility would offer employment, but mostly to qualified staff who might well come from outside Doveridge. Household expenditure arising from the development would benefit the economy, but much would be spent outside Doveridge, and would be available to the wider local economy wherever housing were built.

67. Turning to the social dimension of sustainable development, Doveridge scores reasonably well at 13 out of 20 for social and community facilities and services in the Settlement Hierarchy paper. This compares with 13 out of 20 for Matlock Bath and 19 out of 20 for Darley Dale. Doveridge would have adequate social and community facilities, and transport links, to support the proposals. However, it became clear at the Inquiry that there would be very little employment available within the settlement, besides that which might be offered by a local crane hire firm.

68. It appears that, at present, residents typically travel outside Doveridge, to Uttoxeter or perhaps further afield to JCB at Rocester or Toyota at Burnaston for work. This characteristic pattern would increase under the proposals. Taken together with the 225 dwellings allocated or granted planning permission at the time of the Inquiry, Scheme A would generate an increase of up to a 65% (or 73% with the C2 units) in the settlement’s present tally of some 600 dwellings, expanding its role as a dormitory village.

69. Apparently the interest from registered social providers in locating affordable housing within Doveridge is not strong. Whilst neither scheme would lead to affordable housing being built on site and, therefore would not satisfy LP Policy H4, a financial contribution equivalent to 35% affordable housing would be made through unilateral undertakings. This would allow the provision of affordable housing elsewhere in the District.

70. Although an allocated site, consistent with the settlement hierarchy might provide a similar level of contribution, this cannot be guaranteed. The appellant points to the quarry sites, in particular, where viability considerations might lead to low affordable housing yield. Moreover, the affordable housing contribution would be over and above any provision derived from allocated sites. The provision of affordable housing is an important consideration which weighs in favour of the scheme. However, it must be balanced against the harm identified.

71. The 47 C2 units provided under Scheme A would contribute to meeting need across the district, but they might be better provided in a larger settlement alongside existing GP and other healthcare facilities. Both schemes also provide 0.13 ha of land for a community facility. However, the East Staffordshire Clinical Commissioning Group has expressed no interest in the provision of a doctors’ surgery on this land. Nor has interest been expressed by the local general practice, who note in addition that the extra care (C2) units would, through the nature of individuals’ health and social care needs in a
standalone development, place a burden on the practice.\textsuperscript{32} Moreover, Doveridge is relatively well provided with community facilities near the centre of the village,\textsuperscript{33} and no funds were identified at the Inquiry to develop a further facility on this land.

72. Concerning the environmental dimension of sustainable development, a significant area of public open space would be provided, accessible to new and existing residents. Moreover, the existing public footpaths would be retained. However, no general shortage of publicly accessible open space exists in Doveridge and the character of the footpaths would change for the worse.

73. The appellant notes that the proposals would result in an improvement to biodiversity through the provision of more varied habitats than exist at present under the site’s agricultural use. It is not clear to me that this would be the case. The ecological appraisal\textsuperscript{34} indicates that badgers might be disturbed, and that care should be taken with potential bat roosts, and with scrub, trees and hedgerows offering opportunities for foraging and nesting birds.

74. The noise attenuation bund would ameliorate some of the effects of traffic noise generated by the A50 for existing residents. However, as noted in the second issue, it would form an unnaturally prominent feature within the landscape. The second issue deals with the proposals’ effect on the character and appearance of the landscape. It indicates that significant negative effects on the local environment would arise from the proposals.

Conclusions

75. I find overall that the harm arising from the effects of the proposals on the character and appearance of the landscape would clearly outweigh their benefits. The proposals conflict with the development plan overall and they also conflict with the relevant policies of the NPPF and the ELP. Material circumstances do not indicate that the proposals are acceptable.

76. A completed unilateral undertaking for each scheme was submitted.\textsuperscript{35} Suggested conditions, showing the state of agreement between the main parties, were also put in\textsuperscript{36} and discussed during the Inquiry. Further conditions were later suggested by Highways England. Neither the suggested conditions, nor the provisions of the completed planning obligations, alter the assessment leading to the decision to dismiss both appeal schemes.

Alan Novitzky
Inspector

\textsuperscript{32}ID24
\textsuperscript{33}CD 9.1, Doveridge Neighbourhood Development Plan (draft), p.26
\textsuperscript{34}CD1.9
\textsuperscript{35}ID22
\textsuperscript{36}ID19

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

James Corbet Burcher Of counsel, instructed by Derbyshire Dales District Council (DDDC)

He called:

Paul Wilson MCD DipTP Dip Mgmt, MRTPI Corporate Director and Deputy Chief Executive, DDDC

Jonathon Mark Billingsley BSc(Hons) BPhil CMLI Director, The Landscape Partnership

Chris Whitmore BA(Hons) MSc MRTPI Principal Planning Officer, DDDC

FOR THE APPELLANT

Nina Pindham Of counsel, instructed by Diana Richardson, Gladman Developments Ltd

She called:

Richard Mowat MA MRTPI Director, Johnson Mowat Planning and Development Consultants LLP

Tim Jackson BA(Hons) DipLA CMLI Director, FPCR Environment and Design Ltd

Diana Richardson BA(Hons) MA MRTPI Planning Manager, Gladman Developments Ltd

INTERESTED PERSONS

Jacqueline Dew Chair of Doveridge Neighbourhood Plan Steering Group

Linda Priestley Chair of Doveridge Parish council
**DOCUMENTS**

**CORE DOCUMENTS**

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| CD11.3 | APP/P1045/W/15/3132535 – Land off Wheeldon Way, Hulland Ward |
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CD12.2 Phides Estates [2015] EWHC 827 (Admin)
CD12.4 Suffolk Coastal Supreme Court Judgment [2017] UKSC 37
CD12.5 Hinckley & Bosworth Judgment [2014] EWHC 754
CD12.7 Hunston Judgment [2013] EWHC 2678 (Admin)
CD12.8 Wainhomes Judgment [2013] EWHC 597 (Admin)
CD12.9 Suffolk Coastal Judgment [2016] EWHC Civ 168

**CD13** SCHEME B PLANNING APPLICATION DOCUMENTS

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CD13.2 Development Framework Plan Rev S
CD13.3 Design and Access Statement
CD13.4 Landscape and Visual Impact Assessment
CD13.5 Planning Statement
CD13.6 Site Location Plan Rev D
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CD13.9 Site Location Plan Rev C

**CD14** OTHER CORE DOCUMENTS

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CD14.2 Noise Modelling Report January 2016 (165 unit scheme)
CD14.3 Submitted Access Arrangements (F0296-001-002A)
CD14.4 Landscape Character Area of Derbyshire Extracts
CD14.5 Technical Support Document 1 – Areas of Multiple Environmental Sensitivity 2013
CD14.6 Landscape Character Derbyshire Dales Extract
CD14.7 East Midlands Regional Landscape Character Assessment

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ID4      Planning application form, Scheme B
ID5      Material superseding and developing paras 10.4.2-10.4.5 of Miss Richardson’s proof
ID6      Material re: public notification of the appeal
ID7      S106 agreement re: the redevelopment of St Elphins School for C2 use
ID8      Doveridge Parish Council’s appeal statement
ID9      Doveridge Neighbourhood Plan Steering Group appeal statement
ID10     Map of Areas of Multiple Environmental Sensitivity
ID11     DDDC Emerging Local Plan timetable
ID12     SHLAA Tables
ID13     Maps accompanying SHLAA Tables
ID14     Percentage Lapse Rate by year table
ID15     Johnson Mowat estimates of 5yr HLS figures, at Inquiry opening 13.6.17
ID16     BVA Viability Review Statement, Matlock quarry sites, June 2017

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Appeal Decision

Site visit made on 25 July 2017 and 7 August 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th August 2017

Appeal Ref: APP/P1045/W/17/3174588

Land adjacent Thatchers Lane, Tansley DE4 5FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Lewis against the decision of Derbyshire Dales District Council.
- The application Ref 16/00913/OUT, dated 14 December 2016, was refused by notice dated 15 February 2017.
- The development proposed is the erection of 5 dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. I have considered the appeal on this basis and treated the submitted block plan as indicative only.

3. Following receipt of the appellant’s final comments, I carried out a second unaccompanied site visit.

Main Issues

4. The main issues are the effect of the development on:
   - The character and appearance of the area; and
   - Biodiversity and protected species.

Reasons

Character and Appearance

5. The appeal site is a steeply sloping open field on the edge of the village of Tansley. The site lies outside the defined settlement boundary of the village in both the saved policies of the adopted Derbyshire Dales Local Plan (LP)(2005) and the emerging Local Plan (ELP). I understand the ELP is currently out for consultation on main modifications (MM) and is thus at a late stage of preparation. Although the Council has not relied on any policies relating to housing outside settlements in its reason for refusal, there is nothing before me to suggest that the development would meet the relevant criteria in LP policies H4 and SF4 or ELP Policy S5 in this regard.
6. The site is irregularly shaped, with a number of dwellings between it and Thatchers Lane along part of its northern boundary, though at its north western end the site adjoins the roadside. The site’s eastern boundary is the edge of a public footpath. Beyond this path the field continues and the remaining triangular plot has outline permission for a single dwelling which was granted on appeal\(^1\). The southern boundary is a row of mature trees.

7. The site is within an area identified as having high landscape sensitivity in the Council’s ‘Landscape Sensitivity Study’ (LSS)(2015). This is not a statutory landscape designation, but does give some indication of its prominence and importance to local character. Notwithstanding its somewhat overgrown appearance, the nature of the site, including the tree lined brow of the hill and steep slope, create an attractive backdrop to the existing dwellings on Thatchers Lane which helps to reinforce the rural character of the village. The importance of this is emphasised here as, from below the site, the trees restrict views to the fields beyond. Thus the site provides an important visual link to the open countryside beyond the edge of the built form. This feature of the site is also visible to an extent from the junction of Thatchers Lane and Nottingham Road, where there is a direct view of the dwellings, field and tree line beyond. This row of dwellings creates a clear and definitive edge to the built settlement in this location. I took the opportunity to view the site from longer distance locations above the village and, while there are buildings to the south east of the site at a higher level, the site itself is generally seen more in the context of the open countryside beyond the trees.

8. Any development of an open and undeveloped site such as this would result in some change to the character of the area. This does not always lead to harm. However, in this case the steepness of the slope means that any dwellings located here are likely to be prominent features that would, in some cases, sail above the existing dwellings. The dwellings, along with all associated domestic paraphernalia and the access road, would have an unwelcome urbanising effect on the site that would significantly diminish the contrast between the settlement and the countryside beyond. This would be to the detriment of the rural character and setting of the village. The retention of the trees and most of the existing hedgerows would be unlikely to sufficiently mitigate the resulting impact. The areas identified as being open on the indicative plan would provide some visual connection to the countryside but they would not be sufficient in themselves to provide adequate mitigation for the overall urbanisation of the site or resulting encroachment.

9. The appellant has drawn my attention to the allowed appeal for a single dwelling on land to the other side of the public footpath that dissects the field. The Inspector in that case noted that this triangular plot of land is ‘tucked away’ with housing on three sides and that local views are dominated by dwellings at a higher level to the south and south east. In this regard, the appeal site is clearly different in nature. The site is in no way tucked away or hidden from view, but would rather take up a prominent location above the existing row of dwellings on Thatchers Lane. While the other dwellings to the east and south east would still be in view from certain vantage points, the relationship of the site to existing buildings is somewhat different. This part of the field is more visible and prominent than the other site, particularly from the junction of Nottingham Road and Thatchers Way. Moreover, when standing on

\(^1\) Appeal reference: APP/P1045/W/15/3138585

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the part of Thatchers Way that runs parallel to the site, looking west to where the indicative plan suggests the majority of development might take place, there is no overt sign of any development beyond the site and thus the sense of encroachment and extension of the village would be more strongly felt.

10. Five dwellings strung out across the field with a new access road would have a larger and more damaging effect on local character than what has already been permitted. The permitted dwelling would also be accessed from an existing lane and thus would have some level of integration with the existing pattern development. The proposal before me would require a new access road. As a result, the development would not be as well integrated with existing dwellings or settlement pattern. Moreover, I consider that as shown on the indicative plan, the development would appear as an unsympathetic and poorly related add-on to the edge of the village. Therefore, while the two sites might be part of the same field, they are not identical in terms of their wider prominence or relationship with other dwellings. Neither would the scale or resulting effects of development be comparable. As such, I do not consider the existing permission provides significant support for development on the remainder of the field.

11. The appellant has also drawn my attention to another site on the opposite side of Thatchers Lane (Thatchers Croft) which is subject to an undetermined planning application. I note that the site is referred to in the Council’s housing land information as contributing to its housing land supply. It would be reasonable to assume therefore that there is an element of support for the development of this site from the Council. This site is in the same landscape sensitivity area as the appeal site and is in close proximity to it. The development of both sites would result in the loss of open and undeveloped land.

12. I have not been provided with full details of the application or anything which sets out the Council’s position on this site. Nevertheless, I observed some clear differences between the two sites. The site off Thatchers Croft is lower on the hillside than the appeal site and is well screened by the existing development on Thatchers Croft from Nottingham Road. The Thatchers Croft site is also at the end of the road built to accommodate the relatively modern estate and, to an extent, the site would appear as something of an extension to this development. Again, there would appear to be some integration here with the existing pattern of development, which would not be the case with the appeal site. The relationship between the Thatchers Croft site, the dwellings around it and the distinct edge created by Thatchers Lane would also mean that the two sites would not have the same effect in terms of encroachment.

13. The Council’s apparent support for development in the same landscape sensitivity area as the appeal site does not mean there should be an automatic assumption that any and all development in the same category is appropriate or acceptable. Indeed, the allowing of the appeal on the adjacent site is an indicator that development in such areas can be acceptable in some circumstances. Nonetheless, in considering this appeal on its own merits, I find that the development would result in the clear encroachment of development into the open countryside in a sensitive and prominent location which would have an unacceptable urbanising impact. The result of the development would be to significantly reduce the visual connection between the village and the countryside to the detriment of the rural character and setting of the village.

https://www.gov.uk/planning-inspectorate
The two examples of development on other nearby sites do not alter my views on this.

14. Taking all the above matters into account, I therefore find that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with LP policies SF5 and NBE8 which seek, amongst other things, to ensure development preserves, protects or enhances the quality and local distinctiveness of its surroundings and the character and appearance of the landscape. There would also be conflict with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure planning recognises the intrinsic beauty of the countryside.

**Biodiversity & Protected Species**

15. The appellant has submitted a Preliminary Ecological Assessment (PEA) which seeks to address the concerns the Council raised in its initial assessment of the application. This concludes that there are a number of ecological receptors on the site which would need to be addressed in any subsequent development. In particular, the report notes potential issues with trees, hedgerows, bats, badgers and breeding birds. Whilst the report considered the presence of amphibians and reptiles to be low, it still made recommendations in relation to reasonable avoidance measures to be implemented during construction.

16. My main concern with the findings of the PEA relates to badgers. While the PEA did not find any direct evidence of a badger sett that Derbyshire Wildlife Trust (DWT) information suggests might exist, it nevertheless did not conclude that the sett was absent. Evidence of badger activity in or around the site was found and the report recommends that a further impact assessment would be required in order to assess the usage of the site, confirm whether or not the sett is present and, if it is, identify what form of mitigation might be required.

17. Paragraph 99 of Circular 06/2005 states that “it is essential that the presence or otherwise of a protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.” Badgers are a protected species and I do not consider it appropriate to rely on a planning condition to require further impact assessments. Notwithstanding the age of the DWT data, without robust evidence to the contrary there is still a realistic risk of an impact on a protected species which has not been fully addressed by the evidence provided.

18. The initial PEA is also not specific about the amount of hedgerow that might be removed, whereas the final correspondence suggests that only 10 metres of one boundary would be removed and that this could be replaced with similar species. There is nothing before me to suggest that such an approach would not be acceptable in principle. Landscaping is a reserved matter. Had I been minded to allow the appeal, I am satisfied that the granting of permission would not have prejudiced the Council’s ability to consider this issue fully at the reserved matters stage.

19. I also consider that adequate protection for birds, bats, amphibians and reptiles could be addressed by condition. The indicative layout identifies areas that would remain open which would have the potential to provide some mitigation.
for the inevitable loss of some natural grassland. However, even if these factors are sufficient to address the effects on other biodiversity impacts, this would not outweigh the concerns set out above regarding the absence of any detailed information or evidence in relation to badgers.

20. Consequently, there is insufficient evidence to be confident that development could take place without harm to a protected species or that such harm could be adequately mitigated. Neither do I consider that such issues can be appropriately addressed by condition. Accordingly, there would be conflict with Policy NBE5 of the LP and paragraph 118 of the Framework which seek, amongst other things, to ensure development is only permitted where direct or indirect adverse effects on protected species can be avoided or mitigated.

**Other Matters and Planning Balance**

21. The parties appear to agree that as the LP is time expired its policies for housing are out-of-date. This would include LP policies H4 and SF4. However, these policies still form part of the saved development plan and paragraph 215 of the Framework states that due weight can be given to relevant policies in existing plans according to their consistency with the policies in the Framework. LP policies H4 and SF4 only permit housing outside defined settlements if it is essential for the operation of agriculture, forestry or other enterprise that needs to be in such a location or consists of affordable housing meeting a local need. These policies are broadly consistent with the aims of paragraph 55 of the Framework and thus I see no reason why they should be considered out-of-date simply as a result of the being time expired.

22. Nonetheless, there is dispute between the parties as to whether the Council can demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the Framework and whether the policies would be out-of-date by other means. However, I do not consider this to be a decisive issue in this case.

23. The provision of up to 5 dwellings would be seen as a benefit when considered against the Framework’s requirement to boost significantly the supply of housing. The appellant has not however provided any substantive evidence relating to the scale of shortfall he asserts currently exists, even if the provisions of the ELP are not in place. There is nothing before me to suggest that the provision of 5 dwellings in this context would make a significant contribution to the supply or would be of particular importance to meeting local needs. Considering the advanced stage of the ELP, the evidence is also very strong that the Council is taking all necessary measures to address any previously identified shortfall and that there would be a high degree of flexibility within it. Even if there were a current shortfall in supply, this situation is unlikely to persist for an extended period of time. These factors lead me to conclude that the benefits of housing delivery in this location should carry only moderate weight.

24. I recognise that the development is in a location with reasonable access to services and facilities, which would provide some economic, social and environmental benefits and there would be short term economic benefits as a result of construction. These benefits would also be limited in scale. A lack of harm to living conditions, highways or the public right of way are neutral factors that do not add any weight in favour of the development.
25. Balanced against this is the significant harm I have found to the character and appearance of the area and the potential risk to a protected species contrary to policies in the LP and Framework. Such harm conflicts with the environmental dimension of sustainable development. Taking all of the above matters into account, even if I were to accept the appellant’s position that the Council does not have a five year supply and its policies for the supply of housing are out-of-date, I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

26. As a result of my findings, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan. For this reason I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR
BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.