03 July 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 11 July 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 2:15pm 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**

   Planning Committee – 13 June 2017

3. **INTERESTS**

   Councillors 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 Councillor, 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) or telephone 01629 761133.

4.1 APPLICATION NO. 17/00306/OUT (Site Visit)

Erection of a bungalow with access (Outline) at Land at Rough Lane, Yeldersley.

4.2 APPLICATION NO. 17/00260/FUL (Site Visit)

Erection of five bungalows at Land off Mill Lane, Shirley.

4.3 APPLICATION NO. 17/00092/REM (Site Visit)

Residential development - reserved matters application, for the erection of 85 dwellings and associated works. Outline permission - residential development - reserved matters application, for the erection of 85 dwellings and associated works (Outline permission - 15/00739/OUT) at Land off Derby Road, Doveridge.

4.4 APPLICATION NO. 17/00301/FUL (Site Visit)

Erection of a single storey office building (Use Class A2) at Bank Top Farm, Squashley Bank, Roston.

4.5 APPLICATION NO. 17/00250/REM (Site Visit)

Approval of reserved matters – erection of 113 dwellings (Outline Permission 15/00319/OUT) at Leys Farm, Wyaston Road, Ashbourne.

4.6 APPLICATION NO. 16/00872/OUT

Outline application for the erection of up to 17 dwellings (Outline) at Land East of Les Ardennes, Hulland Ward.

4.7 APPLICATION NO. 17/00026/OUT

Residential development of up to 32 dwellings with access and associated works (Outline) at Land off Main Road, Brailsford.

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

**Nominated Substitute Members**

Martin Burfoot, Phil Chell, 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:

<table>
<thead>
<tr>
<th>Role</th>
<th>Time Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town and Parish Councils</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Objectors</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Ward Members</td>
<td>5 minutes</td>
</tr>
<tr>
<td>Supporters</td>
<td>3 minutes</td>
</tr>
<tr>
<td>Agent or Applicant</td>
<td>5 minutes</td>
</tr>
</tbody>
</table>

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 **2:15pm prompt** for the following site visits:

**2:30pm**  APPLICATION NO. 17/00306/OUT  
LAND AT ROUGH LANE, YELDERSLEY.
At the request of Officers to allow Members to assess the proposed development in its context.

**2:55pm**  APPLICATION NO. 17/00260/FUL  
LAND OFF MILL LANE, SHIRLEY.
At the request of Officers to allow Members to appreciate the proposed development in context to its rural setting.

**3:35pm**  APPLICATION NO. 17/00092/REM  
LAND OFF DERBY ROAD, DOVERIDGE.
At the request of Officers to allow Members to fully assess the impact of the development on the local environment.

**4:15pm**  APPLICATION NO. 17/00301/FUL  
BANK TOP FARM, SQAUSHLEY BANK, ROSTON.
At the request of the Ward Member to assess the impact of the development on the local environment.

**4:45pm**  APPLICATION NO. 17/00250/REM  
LEYS FARM, WYASTON ROAD, ASHBOURNE.
At the request of Officers to allow Members to fully assess the impact of the development on the local environment.

**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.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00306/OUT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land at Rough Lane, Yeldersley</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of Bungalow with Access (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. G. A. Griffiths</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr. John Foster</td>
</tr>
<tr>
<td>PARISH</td>
<td>Yeldersley</td>
</tr>
<tr>
<td>AGENT</td>
<td>RCA Regeneration Limited</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A. Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>4th July 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by the Ward Member.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the proposed development in its context.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Principle of the development
- Assessment of the justification for the bungalow
- Landscape and visual impact
- Highway safety
- Land drainage
- Impact on residents’ amenity

**RECOMMENDATION**

Refusal
17/00306/OUT

Land at Rough Lane, Yeldersley

Derbyshire Dales DC

Date: 03/07/2017

100019785

1:1,250

Crown Copyright and database rights (2016) Ordnance Survey (100019785)

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 site is part of an agricultural field in open countryside south of Bradley and north west of Brailsford. To the north east is Ashbourne and to the south is the settlement of Shirley. It is an isolated location served off the A52 by Rough Lane, a narrow, single track road, either side of which are clustered a small number of residential properties set in large gardens.

1.2 The site is largely screened by a well-developed hedgerow with trees which runs alongside the lane. The northern boundary with the nearest neighbours at Fairhaven is also characterised by a mature hedgerow. A fragmented line of trees intervenes within the view from other near neighbours at The Plateau (to the south west), although the ownership boundary between the two properties is open.

1.3 There is a public footpath that crosses the land to the west of the site but this is someway removed from its boundary.

2. **DETAILS OF THE APPLICATION**

2.1 Outline planning permission is sought to erect a bungalow, associated garage and access in the northern part of the land holding. It should be noted that another layout plan depicts the dwelling being within the blue edged site but this has been excluded from consideration.

2.2 The applicant has submitted the following documents in support of the application:
- an indicative layout plan
- details of the applicant
- planning statement
- Derbyshire Dales Housing and Economic Development Needs Assessment (DDDC) published in September 2015
- RTPI Practice Advice – Dementia and Town Planning
- Transport Statement
- details of visibility splays from Rough Lane onto A52.

2.3 The applicant has Alzheimers and his mobility will become limited. He has support in the village of Bradley, where he currently lives. In their retirement, the applicant and his wife
now want a bungalow with easy access in this rural location but have found nothing suitable in the locality. The bungalow will allow him to retain his independence for as long as possible.

2.4 It is advised that the applicant’s parents lived at The Plateau, to the west of the application site, when he was growing up and operated a plant growing and nursery business and kept hens on the field. In 1970, the applicant was given a piece of land by his father and built Hawthorn Lodge to the east of the application site. He latterly moved into The Plateau when his parents moved to a retirement cottage. The applicant raised a family and then moved to Bradley in 1989 where he currently lives with his wife.

2.5 The applicant considers the Development Plan to be outdated and can only be given limited weight where aligned to the NPPF and that the restriction on housing developments outside of settlements can no longer be relied on. In addition, the applicant considers that the proposal will make a positive provision of a specialised dwelling which is a significant material consideration and that the applicant has a connection with the area. The applicant has also advised of the willingness to restrict the occupancy of the dwelling to older people by way of a Section 106 legal agreement.

2.6 The applicant considers that the proposal aligns itself well with the three pillars of sustainable development; the Economic, Social and Environmental Roles. In the economic role is the jobs created in the construction work and the applicant would support existing services and facilities in the area. The proposal will avoid premature occupation of a residential care home reducing reliance and care costs. It would also release an under-occupied dwelling to the housing market for occupation by families.

2.7 In terms of the social role, the applicant would be able to contribute to community life and the bungalow will meet a need for such supply in the District and be designed specifically to provide care for someone with Alzheimer’s in an area where they have local connections. The applicant also advises that there will be a reduction in the burden of social care with the house close to family support.

2.8 In terms of the environmental role, the applicant considers there to be benefit through the landscaping to encourage wildlife to the area. The smaller, efficient home would be easier to heat and have a reduced impact compared to other dwellings in the area. The applicant states that there are services and facilities in the village and higher order services and facilities accessible via public transport thereby reducing the need for private car use.

2.9 The applicant considers that the development will have a minimal impact upon local vistas or those further afield in the open countryside as the site is on the edge of the established built form of the village. It is appreciated that there will be a loss of land in open countryside but it is considered that any adverse impact would be significantly and demonstrably outweighed by the benefits of the proposal.

2.10 The applicant concludes that Paragraph 14 of the NPPF states that planning permission should be granted where policies are out-of-date unless the harm significantly and demonstrably outweighs the benefits of the proposal and the applicant considers there are no such issues.

2.11 With respect to previous concerns raised by the Local Highway Authority in terms of visibility at the A52/Rough Lane T-junction, the applicant’s transport consultant disagrees as to what values can be applied in the calculation formula on a 50mph A Road; they differ on the extent to which visibility falls short of ‘standard’ recommended values. Their report quantifies the potential increases in traffic and concludes that the impact would not be severe, and so planning permission should not be refused on the basis of the increases at this location, as per paragraph 32 of the NPPF. The report highlights the following points:
• a typical dwelling could generate up to 8 daily two-way traffic movements, and on the worst-case assumption that all movements travel via the A52 this only results in up to four additional outbound movements from Rough Lane onto the A52 per day;
• based on ATC data on Rough Lane adjacent to the site, there are currently circa 34 daily weekday outbound movements at the A52 junction and, in this context, the increase from the development would only equate to up to 12%; and
• based on details from Crashmap (2012 to 2016), there are no apparent highway safety issues at the junction and so there is no evidence that the shortfall in visibility results in safety problems in practice.

2.12 The report was produced based on a typical family dwelling being constructed, whereas the application is specifically for an adapted retirement bungalow. In light of this, the consultant advises that the actual increase in daily movements could be lower than predicted, which should further allay any concerns over impact at the A52 junction.

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
SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
H9: Design and Appearance of New Housing
H14: Housing to Meet the Needs of the Elderly and People with Disabilities
NBE6: Trees and Woodlands
NBE8: Landscape Character
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 Government Guidance
National Planning Policy Framework (March 2012)
National Planning Practice Guidance

3.3 Deposit Draft Local Plan
S2: Sustainable Development Principles
S3: Settlement Hierarchy
S5: Development in the Countryside
HC12: Elderly Needs Accommodation

3.4 Other
Derbyshire Dales Housing and Economic Development Needs Assessment (DDDC) published in September 2015
RTPI Practice Advice – Dementia and Town Planning

4. RELEVANT PLANNING HISTORY

4.1 WED/1174/430 One or two dwellings – Refused (for reasons of distance from community facilities, it would consolidate a sporadic group of dwellings in open countryside and would lead to increased usage of a substandard lane considered unsuitable to serve further residential development and would increase traffic hazards at the acutely angled junction with the trunk road).
5. CONSULTATION RESPONSES

Parish Council
5.1 - support application as is providing retirement housing for a local, older person(s)
- at least one parishioner raised concerns with drainage and hope that a drainage scheme might be incorporated to eliminate run-off.

Local Highway Authority (Derbyshire County Council)
5.2 - no objection subject to conditions.

Landscape Officer (Derbyshire Dales)
5.3 - unlikely to be any significant adverse effect on either landscape character or visual amenity
- represents unwarranted development in the countryside.

6. REPRESENTATIONS RECEIVED

6.1 Two letters of representation have been received from local residents which are summarised as follows:

- have submitted two completely different layout plans
- junction of Rough Lane with A52 is dangerous particularly when leaving A52 onto Rough Lane - if a car is waiting to exit onto A52 have to stop on the busy road
- exiting Rough Lane is dangerous with vehicles travelling at normal speeds around the blind bend in each direction
- have been several fatal traffic accidents at or near this junction in the last 14 years – further traffic will only enhance the risk
- increase in traffic will be a danger to residents, especially children, on Rough Lane
- concerns with regard to land drainage
- trade and farm vehicles are larger and heavier and have impacted on the road and verge and affected drainage
- concern that any excess water from buildings/ pathways/driveways will flow onto Rough Lane and eventually onto Hawthorn Lodge
- no mains sewage – all properties have septic tanks
- will open the flood gates for residents on Rough Lane to apply for planning permission with the possibility of 12-20 houses being built

7. OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:
1. Principle of development
2. Assessment of the justification for the bungalow
3. Landscape and visual impact
4. Highway safety
5. Land drainage
6. Impact on residents’ amenity

Principle of Development
7.2 The applicant is seeking the erection of a dwelling to assist him in the future with his condition. The NPPF recognises in Section 8 that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. This advises that 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.
7.3 The NPPG advises that the need to provide housing for older people is critical given the projected increase in households aged 65 and over and that plan makers will need to consider the size, location and quality of dwellings needed in the future for older people.

7.4 The above requirements are reflected in the District Council’s Housing and Economic Development Needs Assessment conducted in September 2015 as part of informing the emerging Local Plan. This identified a need for an additional 1,182 specialist dwellings (sheltered and extra care) for older persons over the period of 2013-2033.

7.5 However, regard has to be given to the appropriateness of residential development in the open countryside and whether such could be considered sustainable development in meeting the underlying aims of the National Planning Policy Framework. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.6 This is reflected in the policy of the emerging Local Plan with regard to allowing for infill development in smaller settlements. However, it is advised in Paragraph 55 of the NPPF that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

It is considered that the proposed dwellinghouse, whilst being read in context with other dwellinghouses, is nevertheless in an isolated rural location away from any settlement and therefore is considered contrary to the guidance of the NPPF and the policies controlling development in the countryside in the adopted and emerging Local Plans.

Assessment of the justification for the bungalow

7.7 The applicant has submitted a statement to seek to justify the bungalow in its proposed location. The applicant considers that the District Council is unable to meets its objectively assessed needs for a five year housing supply. However, it is the view of Officers, with the emerging Local Plan having recently gone through its Examination in Public (EIP), that the housing land supply has been reasonably demonstrated to the Local Plan Inspector. As such, this is not considered a material consideration of this application.

7.8 The applicant refers to the Housing White Paper (February 2017) that sets out broad reforms by the Government to increase the supply of housing; this is not adopted planning policy. Nonetheless, this states that local planning authorities should have clear policies for housing requirements of groups with particular needs such as older and disabled persons. To this end, Policy H14 the Adopted Local Plan (2005) and Policy HC12 of the Deposit Draft Local Plan (2016) reflect on this Government guidance. The emerging policy states that planning permission will be granted for self-contained annexes and extensions to existing dwellings for the elderly or persons with disabilities. There is also the possibility for the conversion of existing buildings within the curtilage of dwellinghouses. In the event that such are approved in the open countryside, these will normally be restricted to such by legal agreement in an unsustainable location.
7.9 The applicant refers to the site being relatively sustainable in terms of its connections with Bradley. Bradley is identified as a Tier 5 settlement in Policy S3 of the emerging Local Plan. Such settlements have a lack of basic facilities to meet day-to-day requirements. However, there could be scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the existing built framework, or where there are opportunities for the redevelopment of brownfield sites which will result in a positive environmental improvement or where development constitutes exception sites for affordable housing. In this respect, the proposal fails to meet with any of these objectives of emerging Policy S3. The site itself is actually well removed from Bradley and therefore could not constitute limited infill of the existing built framework and does not meet the other criteria.

7.10 The applicant has submitted a copy of the RTPI Practice Advice – Dementia and Town Planning. This places an emphasis on the location of dwellings for persons suffering dementia. It states that the local environment is a fundamental factor contributing to the quality of life for older people and can be enabling or disabling. It states that:

‘Having access to amenities like shops, doctors, post offices and banks, within easy, safe and comfortable walking distances contributes to people with dementia being able to live independent and fulfilling lives for longer.’

It is clear that, in such an isolated rural location that the siting of the bungalow cannot readily meet with these aims.

7.11 However, the Practice Advice also states that:

‘Access to green space and nature has particular benefits for people with dementia, including better mood, memory and communication and improved concentration. It is also important to consider the significant role that consistency and familiarity plays in giving people confidence and helping them to feel safe’.

Whilst there may be benefit to the applicant in remaining in an area where he grew up, this is not considered a substantive reason to grant planning permission for a new build dwellinghouse in such an isolated and unsustainable rural location.

7.12 The emerging Local Plan policy gives the potential to facilitate for dwellings as infill development within smaller settlements. However, the application site is over a mile from Bradley and the equally modest settlement of Shirley. In addition, Bradley and Shirley are lower ranked settlements in terms of their facilities and isolated locations within open countryside, where residents would be heavily reliant on the private car and, in this respect, are not particularly sustainable. In terms of being close to family, it is understood that family members live outside of the area and, in this respect, the proposed location of the dwellinghouse makes little difference to that currently occupied in Bradley in terms of accessibility to them.

Landscape and visual impact
7.13 There is unlikely to be any significant adverse effect on either landscape character or visual amenity as a result of development particularly if a hedgerow with trees is planted along the western boundary of the land holding. However, the application does represent unwarranted, encroaching development in the countryside.

Highway safety
7.14 The Local Highway Authority has considered the proposals and the Transport Statement submitted by the applicant. In this regard, whilst the level of emerging visibility from Rough Lane onto the A52 in the western direction is less than the desired level in accordance with the Manual for Streets 2 design guide document, the application is for a single 2
bedroomed retirement bungalow. Taking into account the existing vehicles already using this junction as detailed within the submitted transport information, the Local Highway Authority advises that it is unlikely that the small increase in traffic generated as a result of the dwelling would lead to any severe safety concerns associated with the junction.

7.15 The Local Highway Authority also advises that whilst there are some recorded road accidents on the A52, none of these seem to be directly related to the use of the Rough Lane/A52 junction. Therefore, there is no objection to the proposal subject to recommended conditions, with regard to the storage of plant, equipment, etc. on site during construction, wheel washing facilities, car parking provision, visibility splays from the site onto Rough Lane and site drainage, being attached to any grant of permission.

Land drainage

7.16 Concern has been raised with regard to the impact of surface water drainage from the site. However, in order for the development to comply with Building Regulations, the development would need to ensure that there was no additional impact to surface water drainage and there may be opportunity to improve the current situation.

Impact on residents’ amenity

7.17 The dwelling can be provided on the site without having a significant impact on the light, outlook and privacy of local residents.

Conclusion

7.18 Whilst there is sympathy for the applicant’s condition and his desire to remain in the area, and that there may be limited availability currently of the type of accommodation to meet his needs, this is insufficient justification in the view of Officers to allow for a dwellinghouse in such an isolated location in the open countryside, contrary to the guidance in Paragraph 55 of the NPPF. If such development were approved, it would lead to significant pressure for similar developments in such unsustainable locations. Given the above, whilst the health needs of the applicant are appreciated, the development is considered contrary to national guidance and emerging local plan policy and it is recommended that planning permission be refused.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reason:

1. The proposed development would involve the creation of a new dwelling in the open countryside. The construction of a dwelling in this rural location without justification in accordance with Paragraph 55 of the National Planning Policy Framework would be inherently encroaching, unwarranted and unsustainable and, as such, contrary to guidance contained within the National Planning Policy Framework (2012) and to Policy SF4 of the Adopted Derbyshire Dales Local plan (2005) and Policies S2 and S5 of the Deposit Draft Derbyshire Dales Local Plan.

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 1:2500 received on 9th May 2017
- Block Plan 1:500 received on 9th May 2017
- Details of the applicant received on 9th May 2017
- Planning Statement received on 9th May 2017
- Derbyshire Dales Housing and Economic Development Needs Assessment (DDDC) published in September 2015 received on 9th May 2017
- RTPI Practice Advice – Dementia and Town Planning received on 9th May 2017
- Drawing of Visibility Splays from Rough Lane onto A52 received on 9th May 2017
- Transport Statement received on 13th June 2017.
# Planning Committee 11th July 2017

**Item No. 4.2**

<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00260/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land off Mill Lane, Shirley.</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of five bungalows</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr. Andrew Stock</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr &amp; Mrs Beetham</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Shirley</td>
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<tr>
<td>AGENT</td>
<td>Planning Design Practice</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A. Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>15 May 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>It is proposed to erect more than 3 dwellings outside of the settlements of Matlock, Wirksworth and Ashbourne and more than five unresolved objections have been received</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To appreciate the proposed development in context to its rural setting</td>
</tr>
</tbody>
</table>

## MATERIAL PLANNING ISSUES

- Principle of the development
- General layout and design
- Landscape and visual impact
- Highway safety
- Impact on residential amenity
- Other matters

## RECOMMENDATION

Refusal
17/00260/FUL

Land off Mill Lane, Shirley
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is an area of open land which lies to the south of Shirley. The site is elevated above the level of Mill Lane which is sunken and flanked by roadside embankments along much of its length along the western boundary. The field itself is bounded by hedgerows with some hedgerow trees on the boundary with Mill Lane. The application site adjoins two residential dwellings, namely The Archway and Back Lane Farm which lie to the north. The site can be accessed directly off Mill Lane and Back Lane via existing agricultural accesses.

2. **DETAILS OF THE APPLICATION**

2.1 Full planning permission is sought for the erection of five detached bungalows with associated garaging and access, as illustrated on submitted plans date stamped 5th April 2017.

2.2 The applicants supporting statement advise that the bungalows have been designed specifically with older people in mind. They suggest that the residents of Shirley Parish will be given first opportunity to purchase the properties for a period of 3 months before they are opened up to the wider market. This would, they suggest, be secured by way of an appropriately worded planning condition to any planning permission.

2.3 The bungalows would be double fronted with two projecting gables connected by a linking block and a single sunroom comprising the following:

**Linking Block**
Proposed to measure approximately 7.2m wide by 6.2m deep and 4.5m high.
Projecting Gable (1)
Proposed to measure approximately 5m wide by 11m deep and 5.1m high.

Projecting Gable (2)
Proposed to measure approximately 5m wide by 8m deep and 5.1m high.

Sunroom
Proposed to measure approximately 3.6m wide by 3m deep and 4m high.

Detached Garage
Proposed to measure approximately 5.4m wide by 6.6m deep and 5m high.

Carport
Proposed to measure approximately 5.4m wide by 5m deep and 2.6m high.

2.4 The bungalows would be predominately finished in brick with areas of render, set under Staffordshire blue plain tiles finished with composite windows and doors. Each dwellinghouse would provide two bedrooms one with ensuite, bathroom, entrance hall, living room, utility, kitchen/dining area and sunroom.

2.5 Access to the site would be directly off Mill Lane. It is proposed that an area for manoeuvring space and parking for up to two vehicles would be provided on site for each bungalow.

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
   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
   NBE21 Development Affecting a Conservation Area
   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 PD5 Landscape Character
   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

None applicable.

5. CONSULTATION RESPONSES

5.1 Parish Council
Shirley Parish Council voted by a majority to object to the application.

5.2 Derbyshire County Council (Highways)
Whilst Mill Lane is a classified road subject to the national speed limit, it was evident from a recent site visit that vehicle volumes and speeds on Mill Lane were low. Having driven past the site several times (both individually and following other vehicles) it was apparent that passing vehicle speeds were suppressed to approximately 25mph-30mph due to the lanes limited width and general rural setting. Based on passing speeds of 30mph, current guidance recommends any new access at this location should be provided with emerging visibility sightlines of 2.4m x 54m in both directions. The submitted drawings illustrate these splays as being achievable.

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. However, as the proposed layout is not in accordance with current adoptable design guidance and the site is in a remote location with limited frontage development, the site shall remain private.

Therefore, the Highway Authority has no objections to the application and recommends the conditions are included in any consent in the interest of highway safety.

5.3 Landscape Officer
There are some concerns with the proposals as presented. The Council believes it can demonstrate a five year housing supply without the need for sites additional to those already allocated except where some infill development is appropriate. If this is confirmed then the proposed development represents unwarranted intrusion in the countryside.

The new access off Mill Lane is, logically, located at a point where there is the least difference in height between those of the road and those of the field. However, this is also the point furthest from the main part of the village. In creating the access there is likely to be considerable disruption to the roadside verge (excavation of embankment possibly extending northward to accommodate sight lines) and the existing hedgerow with consequent adverse impact on the character of the road and visual amenity on the approach to the village from the south.

The dwellings at Plots 1 and 2 are too close to boundary hedges and/ or existing trees. There appears to be room on site to alleviate this situation.

I don’t understand why two points of access to the remaining part of the field are required. The removal of one of them will create extra space that could be used to alleviate constriction at the boundaries.

5.4 Environmental Health Officer
No objection.
5.5 Derbyshire Wildlife Trust
It is understood that there are proposals to construct five dwellings and associated garages, with communal amenity area and pond at land off Mill Lane, Shirley. The planning application is supported by a preliminary ecological survey report produced by Turnstone Ecology and dated April 2017.

The report provides details of a desk study and a Phase 1 habitat survey undertaken on 6th February 2017. The survey identified that the site comprises species-poor improved grassland and scattered hedgerow with trees. It is understood that all the trees and hedgerows (excluding the formation of the access road) will be retained within the proposals.

The report makes recommendations for biodiversity enhancement measures including the installation of bird and bat boxes, native planting, and wildflower planting for the pond and newly created hedgerows. In addition, it is recommended that the installation of gaps at the bottom of fences to allow hedgehogs to move through the site is also included within the enhancement measures. We support the measures put forward.

It is considered that adequate ecological survey work has been undertaken in order for this application to be determined. If the Council are minded to grant planning permission for the proposed development then it is recommended that biodiversity enhancement measures (in line with guidance within the NPPF) and safeguarding nesting birds is secured through appropriately worded conditions.

5.6 The Derbyshire County Council Flood Risk Management Team
No objection.

6. REPRESENTATIONS RECEIVED

6.1 A total of 64 representations have been received. A summary of the representations is outlined below:

Principle:
- Not considered as part of SHLAA assessment
- Loss of green field
- Sets the precedent of development on green field land in Shirley
- Unsustainable development
- No suitable amenities within village
- Not suitable for retired living
- No local transport
- Lack of infrastructure
- Contrary to Local Plan Policy and NPPF
- Development outside village boundary

Impact on residential amenity:
- Loss of view
- Overlooking issues
- Loss of light
- Construction traffic
- Obtrusive by design

Highway Safety:
- Increase in vehicular movements
- Narrow roads
- 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

Impact on the character and appearance of the surrounding area:
o Impact on the character of the village
o Impact on Mill Lane
o Hedgerow loss and change
o Obtrusive by design
o Land of high landscape sensitivity to housing
o Inappropriate form of development
o Larger properties
o Parking for up to 4 vehicles per plot
o Inappropriate density
o Detrimental impact on the Conservation Area
o Destroy distinctive features - steep embankments lost
o Overbearing and out of character

Other matters:
o No street lighting
o Strain on sewage system
o Sets the precedent of development in Shirley exacerbated
o Loss of village ethos
o Large dwelling proposed – Up sizing
o Impact on wildlife and endangered species
o Impact on tourism
o Sufficient single storey dwellings in Shirley

7. OFFICER APPRAISAL

7.0.1 Before assessing the planning merits of this particular application, it is important to set out the policy context and the weight to be given to the different components of the Adopted Development Plan, emerging Local Plan and other material considerations.

7.0.2 The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to carry significant weight where they are consistent with guidance contained within the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework 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. Paragraph 216 allows the decision taker to give weight to relevant policies in emerging plans according to the stage of preparation of the emerging local plan with greater weight given to more advance emerging local plans, the degree of consistency of relevant policies in the emerging local plan to the policies in the Framework and the extent to which there are unresolved objections to relevant policies.

7.0.3 For the purposes of housing delivery the relevant policies of the Adopted Local Plan (2005) are currently to be regarded as being 'out of date'. As such, in accordance with
paragraph 14 of the NPPF the Council should grant permission for sustainable development unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted.

7.0.4 However, the emerging Local Plan has now been scrutinised at examination. The inspector is satisfied that adequate housing land supply has been identified. Agreed modifications are soon to be published inviting further comment. Although emerging policies still have to be viewed in light of this they can be given weight in assessing this scheme as they give a clear indication of how development proposals of this scale should be considered.

7.0.5 Based on up-to-date analysis of development that will come forward in the next five years the Council can identify a rolling five year supply of housing land. It is also the case that policies and strategic allocations within the emerging local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs.

7.0.6 The report will analyse the scheme against the above guidance. In making a balanced judgement 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.

7.0.7 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. Principle of the development
2. General layout and design
3. Landscape and visual impact
4. Highway safety
5. Impact on residential amenity
6. Other matters

7.1 Principle of Development

7.1.1 The application site is located to the south of the main residential settlement of Shirley. Shirley is a small village with very limited services and facilities comprising only a Public House and Church. Shirley is designated as a tier 5 settlement defined as Infill and Consolidation Villages within Policy S3 in the emerging Derbyshire Dales Local Plan.

7.1.2 Tier 5 settlements are identified as having basic facilities and little services to meet day to day requirements of local residents. However, the policy identifies that there could be scope for very limited development within the confines of the settlement where this is limited to infill and consolidation of the existing built framework. The overall scale of development must be commensurate to the size of the settlement and reflect is position in the settlement hierarchy and result in a positive environmental improvement.
7.1.3 The applicant's agent has put forward a proposal of five detached bungalows. It is suggested that there is a demand for properties designed for ‘older members’ of the community which is being promoted through this application. No justifiable evidence has been put forward to substantiate these claims.

7.1.4 Paragraph 55 of the NPPF promotes sustainable development in rural areas where housing is located which will enhance or maintain the vitality of rural of rural communities and Paragraph 58 of the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

7.1.5 The application site is located to the south of Shirley, remote and detached from the residential settlement. The site would be accessed directly off Mill Lane, a single track rural lane with no existing public footpaths. No public footpaths are proposed as part of the development and as such the five bungalows, designed for the elderly would not be well connected to the village of Shirley.

7.1.6 Whilst Shirley may be able to accommodate some consolidation and infill, as established in Policy S3 of the emerging Local Plan the proposed development which is peripheral and not well connected to the existing built form of Shirley will be an unsustainable form of development as the village has such a limited range of services and residents will be heavily reliant on the private car to access services elsewhere.

7.1.7 The development of this site would lead to an unsustainable intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge which clearly delineates the boundary between the village and the open countryside.

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 five bungalows would be double fronted with two projecting gables connected by a linking block and a sunroom. Each dwelling would have a detached double garage and carport, as illustrated on submitted plans date stamped 5th April. The dwellings would be laid out in cul-de-sac formation with communal areas forward of the dwellings.

7.2.3 The buildings would be predominately finished in brick with areas of render, set under Staffordshire blue plain tiles finished with composite windows and doors. The brick and render construction of the proposed dwellings is considered not to reinforce the wider distinctiveness of Shirley. Moreover, the proposed use of larger glazed openings and fully
glazed elements do not help the development to assimilate the dwelling into its village context.

7.2.4 The proposed rendered garage with large flat roofed carport is not of a scale, form and design that are commensurate with the host dwelling. The development would look incongruous with the existing built form of Shirley. The modern, more contemporary quasi/agricultural design would exacerbate the harm to the character and appearance of the locality.

7.2.5 The introduction of built form upon the greenfield site at higher contours will have potentially substantial harmful visual effect. The cul-de-sac layout which eats into the large open fields looks to erode the easily perceived settlement boundary of Shirley, extending the settlement into the open countryside.

7.2.6 The proposal would result in an unwarranted and incongruous intrusion into the countryside which would urbanise the character of this part of the village and undermine its rural setting contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

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 Landscape sensitivity to housing development within Derbyshire Dales has been independently assessed (Derbyshire Dales District Council Landscape Sensitivity Study – Wardell Armstrong August 2015). The site is assessed as having high sensitivity to housing development, it is Grade 2 agricultural land, it is assessed as having a medium to high level of tranquillity (CPRE). The area sits within the Landscape character; Settled Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area.

7.3.4 The site comprises part of an agricultural field used for grazing in open countryside on the southern edge of Shirley to the east of Mill Lane. Access to the field is currently gained off Back Lane to the north. The field itself is bounded by hedgerows with some hedgerow trees on the boundary with Mill Lane. In the north garden trees and other vegetation associated with private gardens attached to neighbouring residential properties are visible from within the site.

7.3.5 The site is generally elevated above the level of Mill Lane which is sunken and flanked by roadside embankments along much of its length along the western boundary. Levels are
most closely matched in the extreme south west. Mill Lane is a single track road with passing places. It is also sunken (particularly close to the village). High roadside embankments with hedges are a characteristic feature of the local landscape. Views into the site particularly from the west and south are substantially screened by surrounding hedgerows and topography and otherwise mitigated by distance and intervening vegetation from further afield. Users of public footpaths in the vicinity particularly to the east will have some view.

7.3.6 There is no traditional pattern of development within the immediate area, with the existing built area lies to the north of the application site.

7.3.7 The District Council Landscape Officer advises that the proposal is an unwarranted intrusion in the countryside. In creating the access there is likely to be considerable disruption to the roadside verge including the excavation of the embankment and removal of hedgerows to achieve the adequate visibility splays required for an appropriate access. The consequence of the works would result in an adverse impact on the character of the road and visual amenity on the approach to the village from the south. The provision of residential development here would tangibly reduce the quality and intrinsic beauty of the open countryside.

7.3.8 The development proposed represents an intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge. As a result there is likely to be adverse impact on local landscape character which would harm the setting of the village.

7.3.9 The character of Mill Lane itself is put at risk by the proposed access. Much, if not all, the hedgerow on this side of the road will be lost to accommodate the shared access which will serve the application. Even if the design was to include proposals for the re-planting of the hedge behind a verge it would have a much reduced impact in the street scene and the lane would likely become much more domestic in character.

7.3.10 In this context, it is considered that infill between the pockets of existing housing development in this area, would begin to urbanise the character of this part of the village and undermine its rural setting which is a key environmental attribute of the settlement.

7.3.11 The application site falls outside Shirley Conservation Area however, lies within the setting of a single listed building, namely Wesleyan Methodist Chapel to the south west. Existing residential development and agricultural land are located between the heritage assets and application site, as such the proposed development is considered not to result in a detrimental impact upon those heritage assets.

7.4 Highway Safety

7.4.1 Whilst the concerns of nearby residents are understandable in respect of the suitability of the existing road network and proposed access directly off Mill Lane, the Local Highway Authority have concluded that adequate visibility splays can be achieved on site.

7.4.2 The Local Highways Authority concluded it was apparent that passing vehicle speeds were suppressed to approximately 25mph-30mph due to the lanes limited width and general rural setting. Based on passing speeds of 30mph, current guidance recommends any new access at this location should be provided with emerging visibility sightlines of 2.4m x 54m in both directions.

7.4.3 As such the Local Highway Authority considers that an objection on highway safety grounds would be difficult to sustain.
7.4.4 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.

7.5 Impact upon Residential Amenity

7.5.1 Concern has been raised by local residents that the development would lead to an adverse impact upon the amenities of neighbouring residential properties, particularly The Archway, Back Lane Farm and Ittingston Farm.

7.5.2 Inevitably the erection of five dwellings on Greenfield land will create some level of visual impact within the area. However, it is considered that the erection of five single storey dwellings would be possible to develop without having an adverse impact upon residential amenities of adjoining dwellings.

7.5.3 It is acknowledged that the view from existing dwellings to the north would be significantly altered as a result of the proposal but not sufficient to warrant a reason for refusal on its own merits.

7.6 Other Matters

7.6.1 The application is accompanied with preliminary ecological survey report produced by Turnstone Ecology and dated April 2017. Derbyshire Wildlife Trust concludes that adequate ecological survey work has been undertaken in order for this application to be determined. It state that should the Council be minded to grant planning permission for the proposed development then it is recommended that biodiversity enhancement measures (in line with guidance within the NPPF) and safeguarding nesting birds is secured through appropriately worded conditions.

7.6.2 The Derbyshire County Council Flood Risk Management Team has briefly reviewed the planning application and has raised not objection against the application.

8. Conclusion

8.1 Paragraph 14 requires the decision maker in assessing the merits of than 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 On the basis that the District Council can demonstrate a rolling five year housing land supply at this time and strategic allocations and policies in the deposit draft local plan will provide for enough housing to meet the Districts objectively assessed housing needs the benefits of delivering a modest number of new homes within the Shirley can only be attributed limited weight in this case.

8.3 In social terms the development may provide single storey dwellings which have been specifically designed for the elderly, however, the size and nature of these dwellings and lack of control with regard to any future occupants is such that it cannot be guaranteed that they will be safeguarded for the elderly. The development of this site would lead to an unsustainable intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge which clearly delineates the boundary between the village and the open countryside.

8.4 The economic benefits are limited to employment generated during construction, which can be said of any new housing development and the benefit to businesses within village from additional resident spend.
8.5 In environmental terms the development would result in unwarranted encroachment into the countryside, urbanising the rural character of this part of the village landscape. Furthermore the removal of important landscape features, such as the hedgerows and steep verges along Mill Lane required for the proposed access would result in a more domestic character further undermining its rural setting, which is a key environmental attribute of the settlement. The contemporary quasi/agricultural design would exacerbate the harm to the character and appearance of the rural landscape setting. This harm to the setting of the village would be unwarranted and is a significant disbenefit of the development contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8.6 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and the ability of the District Council to demonstrate a five year housing land supply, it is considered that the level of environmental harm identified above is such as to significantly and demonstrably outweigh the benefits, thereby failing the test of Paragraph 14 of the NPPF and the relevant policies contained within the Adopted Local Plan and the emerging Local Plan.

8.7 Accordingly the application is recommended for refusal.

9. RECOMMENDATION
That planning permission be refused for the following reason(s);

1. The proposal would lead to an unwarranted, intrusive and unsustainable form of residential development within the open countryside. The harm caused to the character and appearance of the countryside is exacerbated by the incongruous design and appearance of the dwellings and the loss of hedgerow and embankment along Mill Lane contrary to Policies SF5, H9, NBE7 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

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: Submitted plans date stamped 5th April 2017.
<table>
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<th>APPLICATION NUMBER</th>
<th>17/00092/REM</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land off Derby Road, Doveridge</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development - reserved matters application for the erection of 85 dwellings and associated works (Outline permission - Residential development - reserved matters application for the erection of 85 dwellings and associated works (Outline permission - 15/00739/OUT)</td>
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<td>CASE OFFICER</td>
<td>Mr Gareth Griffiths</td>
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<td>APPLICANT</td>
<td>David Wilson Homes East Midlands</td>
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<td>PARISH</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A. Catt</td>
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<td>DETERMINATION TARGET</td>
<td>13th January 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major application</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment</td>
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**MATERIAL PLANNING ISSUES**

- Scale of the development;
- Layout of the development;
- External appearance of the development;
- Detailed designs of the internal street layout
- The landscaping of the site
- Other matters

**RECOMMENDATION**

Approval
17/00092/REM
Land off Derby Road, Doveridge
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is located on the northern edge of Doveridge, between the existing settlement edge and Derby Road, and covers a 5.7ha area. It is remnant parkland having formerly been part of the designed landscape belonging to Doveridge Hall.

1.2 The land was sold off after the breaking up of the Doveridge Hall estate in 1938. Although identified in the Historic Environment Record as former parkland to Doveridge Hall, the site has no formal designation. The north eastern edge of the site is contained by a substantial belt of trees, protected by a group Tree Preservation Order, which broadens into a block of woodland at its south eastern end. This was part of the long shrubbery which bounded the park on its northern and eastern sides.

1.3 Beyond the block of woodland at the eastern end of the site is The Cavendish Arms, a grade II listed building. The southern edge is bounded by garden fences associated with residential properties built in the 1960s and remnants of a field boundary hedge. A number of large, individual mature trees, protected by Tree Preservation Orders occupy the central part of the site.

1.4 Hall Drive borders the western edge of the site. It is a narrow access track which once served Doveridge Hall and is lined with numerous mature trees and blocks of woodland and belts of trees associated with private residences and a local nursery which occupies the site of the old kitchen gardens of the Hall.

1.5 Derby Road to the north is reduced to a narrow cul-de-sac with limited access having been stopped off following the construction of the A50 dual carriageway.

1.6 There is a drop in levels from the northern end of the site to the southern part of approximately 6m. An overhead telecommunications line crosses the site.

1.7 Approximately 175m to the south of the site is Petworth Lodge and a series of former stables and attached cottages, all grade II listed buildings. To the south of these buildings is a grade I listed church (St Cuthbert’s). The spire of the church can be seen in views from the site.
2. DETAILS OF THE APPLICATION

2.1 Reserved matters approval is sought for the erection of 85 dwellings on the site further to the granting of outline planning permission 15/00739/OUT in June 2016.

2.2 The applicant has submitted the following information to address the reserved matters:
- amended drawings further to discussions with Officers with regard to layout, materials, house type and landscaping;
- Housing Mix Justification Statement;
- Landscape and Ecological Management Plan;
- Arboricultural Report and Pre-Development Tree Condition Survey;
- Travel Plan; and
- Details of underground LPG tanks.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (DDLP)
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
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
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
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD3: Biodiversity and the Natural Environment
PD4: Green Infrastructure
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD7: Climate Change
PD8: Flood Risk Management and Water Quality
HC11: Housing Mix and Type
HC18: Car Parking Standards

3.3 Other Relevant Guidance/Legislation
National Planning Practice Guidance
Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc) Regulations 1994
Derbyshire Dales District Council Supplementary Planning Documents
• Landscape Character and Design

4. RELEVANT PLANNING HISTORY

4.1 15/00739/OUT Residential Development of up to 85 Dwellings Including Access (Outline) - Granted

5. CONSULTATION RESPONSES

5.1 Doveridge Parish Council
- no comments received.

5.2 Derbyshire County Council (Highways)
- principle established and means of access determined
- applicant has submitted package of drawings for adoption of the estate streets and a number of amendments have been sought.

5.3 Derbyshire County Council (Land Drainage)
- advise of no objection to the amended proposals and additional information but reiterate condition attached to outline planning permission.

5.4 Derbyshire County Council (Strategic Planning)
- financial contributions requested towards school places.

5.5 Derbyshire County Council (Crime Prevention Design Advisor):
- context, siting, layout, house treatment and boundaries are good.

5.6 Derbyshire Wildlife Trust
- hedgerow proposed includes one species (fagus sylvatica) which lacks suitable biodiversity benefits - advise that the proposed hedgerow planting as part of the landscaping associated with this proposal should comprise a mix of native species appropriate to the relevant landscape character type rather than the monoculture hedgerow indicated on the accompanying landscape proposals drawing
- lack of native and variegated plant species with wildlife benefiting species
- no management or maintenance documents are available to be reviewed
- artificial boxes for protected species are not included within the landscape proposals
- fences and walls are proposed, it is welcomed for mammal tunnels to be present across the site to facilitate the movement of fauna.

6. REPRESENTATIONS RECEIVED

6.1 A total of twelve letters of representation have been received, including those of Doveridge Preservation Society, with regard to the original submitted details, which are summarised as follows:

**Layout**
- do not feel that a typical estate design is appropriate for Doveridge
- no attempt to integrate the development with the rest of Doveridge
- original plan was for houses facing inwards with gardens to the rear - the houses facing onto Hall Drive have now moved closer to the boundary and now face Park Crescent
- on the original plan there was an "open view" to Uttoxeter from the site

**Impact on amenity**
- as the houses have now been turned round will there be an invasion of street lighting?
- why has a footpath been introduced skirting the site that will run along the back gardens of existing residents on Oak Drive and Park Crescent?
- footpath lends itself to an urban development
- applications should not be approved where affected by noise
- noise pollution from A50 would be intrusive to future residents
- expect that the boundary between the site and Hall Drive will be substantial fencing that will not facilitate pedestrian access from the development onto the Drive

**Impact on the landscape/character and appearance of the surrounding area**
- no mention as to how the landscape/woodland on the site will be maintained and who will own it
- does not appear to be provision to plant trees or shrubs to screen the southern end of the site

**House types**
- attach importance to good ecological design expected in the 21st century that the applicant has made no mention of
- house type not in keeping with parkland to 18th century Doveridge Hall
- use of standard house types with no sympathy to the surroundings
- no longer includes bungalows for ever increasing elderly population in the village

**Housing mix**
- not responding to identified local need
- now have four and five bed houses where there was originally a mix
- housing mix needs to be justified – other developments may not be delivered
- no provision for bungalows

**Impact on ecology and trees**
- more trees being removed than previously proposed
- housing too near to trees
- more can be done to ensure development does not adversely affect habitat and ecology
- who will maintain the woodland?
- what assurances are there that the development will protect the wildlife habitat and the woods?
**Flood risk and drainage**
- flooding problem in Doveridge
- concern for impact on sewer system
- drainage pond is a danger to children
- who will maintain the drainage pools?
- who will be responsible for flood damage to existing properties?

**Impact on services and utilities**
- utilities will not be able to cope
- where will the mains water be supplied from and will pressure be maintained when it is in full use?
- concerned that local electricity supply will be routed through the existing substation behind 7 Park Crescent and the potential health impact if substation is to be enlarged and the visual and potential noise impact
- have concerns about the gas tanks both in terms of safety and location

**Other matters**
- archaeological watching brief should be carried out on the site.

**7.0 OFFICER APPRAISAL**

**Principle**

7.1 The principle of development has been established with outline planning permission 15/00739/OUT. Therefore the matters for consideration are the reserved matters which are:

a) the scale of the development;
b) the layout of the development;
c) the external appearance of the development;
d) detailed designs of the internal street layout, and;
e) the landscaping of the site.

There are other related matters which also require consideration such as the housing mix, wildlife matters and drainage.

**The scale of the development**

7.2 The number of dwellings has been approved in principle. These are proposed to be two storey dwellinghouses which is consistent with the character and appearance of the area. One of the concerns raised at the outline planning permission stage is the impact of the development on the views of St Cuthberts, a Grade I listed church. In this regard, the access into the site, and view across the open space, should allow for an improved view of the church from a public space rather than private land, a view which is currently obscured by landscaping along the boundary with Derby Road. Whilst dwellings will now appear in cross views of the church in the context of existing development given the above its setting will not be harmed.

**The layout of the development**

7.3 The development is proposed to be laid out around a large area of open space. This was a fundamental element of the design philosophy identified with the outline application for the site, to seek to retain a degree of openness of the historic parkland on which the development is proposed and its interrelationship with the remains of the historic parkland to the west side of Hall Drive.

7.4 An assessment has been made of the impacts on the amenity of existing and proposed residents. Concerns have been raised with dwellinghouses fronting onto Hall Drive and Oak Drive rather than presenting their rear elevations. It is considered that the manner in
which the development is proposed, with inward looking dwellings onto the open space and dwellinghouses looking out onto Hall Drive and the drainage areas, is important for giving an attractive definition and edge to the site; to turn the dwellings in order that fences and walls face out of the site would, it is considered, be unappealing.

7.5 The relative distances between existing and proposed dwellinghouses will not have a significant impact on light, outlook or privacy that would justify refusing the application. With regard to concerns with respect to street lighting, there will be some impact as the site is currently a field. However, the street lighting can be directional to avoid significant light intrusion and can be subject to a condition on any grant of planning permission.

7.6 In terms of the amenity between the proposed properties, 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. In some cases, the development may be a little tight. However, as permitted development rights limit two storey extensions to being no closer than 7m from a rear boundary, it is considered that there is reasonable restraint for extensions to the dwellinghouses in the future within the constraints of permitted development rights. As such, it is not considered justified to remove permitted development rights for extension or outbuildings in this case.

7.7 Concern has been raised with a footpath being provided at the backs of the dwellinghouses on Oak Drive. However, this path has been modified around the site to link access roads by foot rather than a separate footpath. The footpath is also proposed to be set away from the existing dwellinghouses by the drainage features and further landscaping.

7.8 With regard to play space, this is proposed to be delivered through six activity points around the site rather than a Locally Equipped Area of Play (LEAP); this is considered acceptable as it will encourage walking between facilities, and the health benefits this will provide, and will also prevent the impact of a large, single facility within the open space.

The external appearance of the development

7.9 The materials proposed to the development have been modified to two complimentary brick types, two roofing materials (a composite slate and a tile) and a single colour of render. These materials are used to create character areas and some form of building hierarchy, in the manner in which the materials are used, whilst working this in standard house types. The Priory Red and Oakwood Multi bricks are considered acceptable as is the ivory colour render. However, a condition will be required with regard to the roofing materials to ensure their satisfactory appearance.

7.10 There have been some requests made to the applicant which have not been addressed. It was suggested that the chimneys be located flush with the end gables in line with traditional building practices. However, the applicant has advised that as they are fake chimneys they must span over three roof trusses. Whilst developments elsewhere in the District have managed to incorporate chimneys in the manner suggested to the applicant, it has been advised that due to skill shortages, and potential future maintenance issues, that such provision preferred by Officers does not justify a reason for refusal.

7.11 Officers also suggested that the porches be given greater solidity and not be open fronted as proposed. However, the developer considers that the open porches are more aesthetically pleasing and have requested not to incorporate such changes. The plinths proposed to the dwellinghouses are merely a projecting brick forming a 'stringcourse' and not a projecting plinth with chamfered brick in the traditional sense. However, this detail is considered acceptable.
7.12 The window and door details have been modified to give a more vernacular appearance to the dwellings rather than them containing and mixing pseudo Georgian and Victorian detailing. The applicant has advised that the glazing bars will be the ‘authentic’ stuck on type but wishes that the windows are storm proof rather than flush fitting; Officers consider that whilst this is not a preferred detail, it is nevertheless acceptable. Officers have requested that the window frames these be in an off-white colour to reflect a more traditional window colour. However, the applicant considers the proposed brilliant white UPVC windows are appropriate for the development and does not propose to implement any changes; it is considered that the reserved matters cannot be refused on this basis.

7.13 Conditions are also considered reasonable with regard to the positioning of meter boxes, to ensure there is no over proliferation on front elevations, and for other attachments such as rainwater goods.

**Detailed designs of the internal street layout**

7.14 The internal street layout has a hierarchy of roads, from the principal access into the site and around the open space, to the more modest accesses to groups of dwellings and private drives. This helps to inform the character areas within the site. It is considered that the layout helps to emphasise, and give integrity to, the extent of open space by framing it and not crossing through it.

**The landscaping of the site**

7.15 The applicant has submitted an arboricultural report. This identifies that there is a requirement to remove a protected beech and a walnut due to their condition; these are proposed to be replaced. The location of the new access road into the site will also affect 3-4 trees within the protected woodland belt but this was essentially agreed in the principle of the site development.

7.16 The Arboricultural report also sets out the measures for the protection of trees in and around the site throughout the construction period in line with the British Standard for best practice for the assessment, retention and protection of trees.

7.17 The proposals include further planting within the area of open space and also along the boundaries to Hall Drive, to supplement the existing, and between the rear of the properties on Park Drive and the water management feature proposed on the site. It is considered that the extent of landscaping retention and addition is acceptable to adequately frame and permeate the development.

**Other matters**

**Housing mix**

7.18 Concerns have been raised with regard to the proposed housing mix. The proposal provides for the following mix:

<table>
<thead>
<tr>
<th>Type</th>
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<tbody>
<tr>
<td>1-bed</td>
<td>2%</td>
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<tr>
<td>2-bed</td>
<td>24%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>31%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>43%</td>
</tr>
</tbody>
</table>

7.19 This is some way off the expectation of the emerging Local Plan which advises the following provision:

<table>
<thead>
<tr>
<th>Type</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bed</td>
<td>5%</td>
</tr>
<tr>
<td>2-bed</td>
<td>40%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>50%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>5%</td>
</tr>
</tbody>
</table>
However, the applicant has sought to justify the proposed mix of housing. The outline planning permission required 45% of the total number of dwellings to be affordable housing. The District Council’s Head of Housing advised that, as the affordable housing needs of Doveridge had been met through the delivery of other sites, there was in this instance only a need for a financial contribution based on 45% of the dwellings built and this has been secured with a Section 106 legal agreement in granting outline planning permission.

7.20 The applicant assumes that the financial contribution towards affordable housing will be used in the provision of a range of affordable housing with the mix of such detailed in the emerging Local Plan as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>1-bed</td>
<td>40%</td>
</tr>
<tr>
<td>2-bed</td>
<td>35%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>20%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>5%</td>
</tr>
</tbody>
</table>

7.21 By combining the overall mix of market and affordable housing, the policy aims to achieve the following:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bed</td>
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<tr>
<td>2-bed</td>
<td>40%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>40%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>5%</td>
</tr>
</tbody>
</table>

7.22 To this end, the applicant considers that the overall development, inclusive of the financial contribution, could yield the following:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bed</td>
<td>15%</td>
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<tr>
<td>2-bed</td>
<td>27%</td>
</tr>
<tr>
<td>3-Bed</td>
<td>28%</td>
</tr>
<tr>
<td>4+Bed</td>
<td>31%</td>
</tr>
</tbody>
</table>

7.23 The applicant considers that this variance should be seen as being broadly in accordance with the housing mix recommended in the emerging Local Plan and in keeping with the core principles of the NPPF, with the emphasis on 1-3 bedroom provision. It is the view of Officers that this housing mix is acceptable and justified in this edge of village location.

**Wildlife matters**

7.24 Derbyshire Wildlife Trust has considered the reserved matters and raises some points with regard to landscaping and the maintenance/creation of wildlife habitat. However, these matters are subject to conditions on the outline planning permission and can be addressed in the discharge of such.

**Drainage and flood risk**

7.25 The Land Drainage Authority (DCC) has advised of no objection to the amended proposals and additional information but that the development should still be subject to Condition 25 of the outline planning permission with regards to the need for a detailed design, and management and maintenance plan, for surface water drainage being submitted for approval. The matter of capacity for foul drainage is one that the developer will need to address with Severn Trent Water.

**LPG tanks**

7.26 The applicant proposes to provide for gas connection to the dwellings by means of LPG tanks set into the ground. These were originally proposed in the open space area to the east of Hall Drive. However, at the request of Officers, these are now proposed to be located to a more recessive location within the development to the east of the site adjacent
to the wooded area. Whilst the LPG tanks are underground, it is considered that the tank lids will be less intrusive in the landscape.

Conclusion

7.27 The principle of residential development of this site has been established with outline planning permission 15/00739/OUT. There has been some concern raised with regard to the initial design and layout of the development and Officers have engaged with the applicant in seeking improvements. To this end, it is considered that the open space now makes a more significant contribution to the development and homage to the open landscape of the former Doveridge Hall where it continues on the other side of Hall Drive.

7.28 Officers consider the house types, whilst being standard types, have been improved upon with their design detail and use of materials. There are some points of detail which need to be addressed (roofing materials, meter box positioning, rainwater goods, lighting positioning, etc.) but these can be reasonably addressed through conditions.

7.29 Concerns have been raised with regard to retaining views of the listed church from the site and maintaining cross views of the church. Currently, these views are only glimpsed through boundary landscaping and it is considered that such views will become more apparent from the site access and the open space as a result of the development.

7.30 Given the above, it is considered that the development is satisfactory and, whilst the applicant has not agreed to all the amendments suggested to the scheme, it is nevertheless an acceptable development in its context. As such, it is recommended that the reserved matters details, in their amended form, are approved.

8. RECOMMENDATION

8.1. That reserved matters approval 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 19th, 20th and 29th June 2017 except insofar as may otherwise be required by other conditions to which this permission is subject.

2. Notwithstanding the details on the approved drawings, and before the development commences, details/samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

3. Notwithstanding the details on the approved drawings there shall be no blue brick detailing to the chimney stacks.

4. Condition DM26c Rainwater Goods, etc. – Details required.

5. Condition DM24a Design Details (Eaves and Verges).

6. Before the development commences, details of the positioning and colour of all meter boxes shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

7. Notwithstanding the details on the approved drawings, and before the development commences, revised details of the hardsurfacing throughout the site shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided and maintained in accordance with the approved details.
8. 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.

9. Notwithstanding the details on the approved drawings, before the development commences, details of the equipment to the ‘activity points’, the timings for its provision and details for its future maintenance shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided and maintained in accordance with the approved details.

10. Notwithstanding the submitted documents, before the development commences, details a long term strategy for the management of the open space, wooded areas and all areas of landscaping outside of the domestic curtilages shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved details.

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).

2-7 To ensure the satisfactory appearance of the development 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).

8. 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).

9. To ensure the provision of adequate children’s play facilities to comply with Policy L6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

10. To ensure the satisfactory appearance of the development and in the interest of wildlife to comply with Policies SF5, H9, NBE5, NBE6, NBE7, NBE16 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. 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 21 of the General Development Procedure Order. 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.
2. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the design and layout of the proposed development.

3. This Decision Notice relates to the following documents:

Amended Drawings GL0705 01D, 02D and 03D, H000-001-02, H/402/005/01B, H336.01, 02, 03, 04, 01FR, 02FR, 03FR, 04FR, 01HR, 02HR, 03HR and 04FR, H421.01, 02, 03, 04, 01C, 02C, 03C and 04C, H436.01, 02, 03, 04 01FR, 02FR, 03FR and 04FR, H455.01FR, 02FR, 03FR and 04FR, H469.01FR, 02FR, 03FR and 04FR, H536.06EM.01, 02, 03, 04, 01FR, 02FR, 03FR and 04FR, H586.01, 02, 03, 04, H588.01, 02, 03, 04, 01FR, 02FR, 03FR and 04FR, H7402/002/01B, 003/01B and 005/01B, 302-01, 332-01A, LDG2S, LSG1F, LTG2S, P204.01, 02, 03, 04, 05, 06, 07 and 08, 01HR, 02HR, 03HR and 04HR, P341.01HR, 02HR, 03HR, 04HR, D.01, D.02, D.03 D.04, D.01NC, D.02NC, D.03NC and D.04NC, P382.01, 02, 03 and 04, SD/14-014, 15, 16 and 18, S74902/001/01DS3 and 013/01, SD/600/12 and 38, SDG1S, SF11.01, 02, 03 and 04 received on 19th June 2017

Amended Drawings H7402/003/01C and SD14-010 received on 29th June 2017

Additional Drawings RD-SD02-121 and 122 received on 29th June 2017

Travel Plan received on 19th June 2017

Landscape and Ecological Management Plan received on 19th June 2017

Arboricultural Report and Pre-Development Condition Survey received on 19th June 2017

LPG Central Storage Installation Guide received on 19th June 2017

Amended Drainage Details received on 20th June 2017
<table>
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>17/00301/FUL</th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Bank Top Farm, Squashley Bank, Roston</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of single storey office building (Use Class A2)</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr K. Davis</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Norbury and Roston</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mrs J. Allen</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. Morley</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>5th June 2017</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Ward member request</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The acceptability of a new building for A2 use at the site, and;
- The impact of the development on the local environment.

**RECOMMENDATION**

Refusal
Bank Top Farm, Squashley Bank, Roston

Derbyshire Dales DC
Date: 03/07/2017
100019785

1:1,250

Crown Copyright and database rights (2016) Ordnance Survey (100019785)
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

1.0 Bank Top Farm is a dwelling located in open countryside at Squashley Bank, approximately half a mile to the east of Roston village. To the south of the main dwelling, which is set back from the road are a series of farm buildings, stables, a pond and manege (see photograph 1). The local landscape is characterised by pastoral fields bounded by hedgerows and small blocks of woodland.

1.1 The application site relates specifically to an area of domestic curtilage bound by mature vegetation to the north of the dwelling and west of the access drive (see photographs 2 and 3).

2. THE APPLICATION

2.1 Full planning permission is sought to erect a single storey commercial building at the site. The building will have an ‘L’ shape plan form and will sit approximately 11m to the north of the main dwellinghouse. Access to a parking and turning area in front of the building will be off the existing driveway. The main building will be 15.75m long by 5.6m wide. A further wing, projecting 6.1m in a northerly direction at the western end of the building is proposed. This will also be 5.6m wide. The building have a dual pitched roof, 2.5m high to eaves and 5m high to ridge. It is proposed to face the exterior walls in a mixture of render and timber cladding and the roof in plain clay tiles.

2.2. The applicant advises in a supporting statement that the building is required to accommodate their business, Coachworks Consulting Limited which has grown to the
point where it employs five additional people. Currently the business operates from a 4m x 4m home office and weekly meetings are held in ‘The Potting Shed’.

2.3 The new building will provide 122.8m² of A2 (financial and professional services) floorspace. The accommodation will comprise an entrance lobby, meeting room and a communal working area for up to six employees. In addition to this two separate quiet work stations are proposed in two dedicated glazed areas marked as Office 1 and Office 2. An equipment room will be provided at the eastern end of the building, which will be accessed from the parking courtyard through secure doors. The new building will also accommodate a kitchen for food preparation, an eating area, a separate disabled toilet facility and a shower and washing facility for staff to wash and change upon arrival at work by bicycle.

2.4 The applicant’s agent advises that staff will be encouraged to use work bicycles and ‘Electric Bikes’ supported by the government initiative for eco-transport for local employees to travel to and from their workplace. In this respect the provision of a wash/shower room is an essential facility for the business.

2.5 The existing business provides financial and business advice predominantly for the motor industry. The applicant’s agent advises that Coachworks Consulting Ltd are acclaimed industry leading providers of bespoke business support programmes providing individuals and organisations the means to how to generate measurable and sustainable performance improvement. They advise that training courses and presentations are held off site at customers premises.

2.6 In addition to a justification and Design and Access Statement the application is accompanied by a Preliminary Ecological Appraisal by Midleymarch Environmental.

2.7 Following submission of the application a letter from the applicant has been received which reinforces the case set out in the justification statement with the exception of the following additional points:

- The business is financially sustainable and is in transition from being a small to medium sized enterprise (with turnover in excess of £1.1 million pounds - a figure that is expected to grow in future years).

- The office space will support our growth for the foreseeable future and with the 20kb of microwave broadband that has recently been made available to Bank Top Farm, allows us to grow by outsourcing to additional homeworkers who can support us remotely.

- If we cannot develop here we will be forced to move to Derby for which at least two colleagues do not wish to commute down the A52 daily, so are likely to be made redundant.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

<table>
<thead>
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<th>Description</th>
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<tbody>
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<td>Development in the Countryside</td>
</tr>
<tr>
<td>SF5</td>
<td>Design and Appearance of Development</td>
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<td>SF8</td>
<td>Catering for the Needs of People with Disabilities in Development and Redevelopment</td>
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<td>EDT8</td>
<td>Design and Appearance of New Industrial and Business Premises</td>
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<td>EDT15</td>
<td>New Build Industrial and Business Development Outside of Settlement Frameworks</td>
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<tr>
<td>NBE5</td>
<td>Development Affecting Species Protected by Law or are Nationally Rare</td>
</tr>
<tr>
<td>NBE6</td>
<td>Trees and Woodland</td>
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</tbody>
</table>
3.2 Deposit Draft Derbyshire Dales Local Plan
S2 Sustainable Development Principles
S3 Settlement Hierarchy
S5 Development in the Countryside
S10 Rural Parishes Development Strategy
PD1 Design and Place Making
PD5 Landscape Character
HC19 Accessibility and Transport
EC1 New Employment Development

3.3 Other:
The National Planning Policy Framework (2012)

4. RELEVANT PLANNING HISTORY

4.1 12/00194/FUL  Formation of equestrian manege  Granted
04/07/0550  Erection of stables for domestic use  Granted

5. CONSULTATIONS

5.1 Parish Council:
No comments received.

5.2 Local Highway Authority:
Whilst the road leading to the site is for its most part a single width road, there are already
several passing places available. Also, due to the road’s straight alignment the available
forward visibility is good therefore whilst the proposals may increase traffic generation it is
not envisaged this will lead to any severe highway safety concerns.

Within the site adequate parking and turning is being provided and the emerging visibility
is good due to the fronting highway margins.

Taking the above into consideration, the Local Highway Authority raise no objections
subject to conditions.

5.3 Environmental Health:
No objections.

6. REPRESENTATIONS

6.1 Representations from four local residents have been received in support of the application.
Their comments can be summarised as follows:

- We can see no reason to oppose the application. It is encouraging to see a small
  business grow and provide local employment for future generations.
- As close neighbours and fellow business people it is fantastic to see a business which
  employs mainly local people wanting to expand and invest in a rural community like
  Roston.
- We believe the proposed purpose built office block development will further enhance
  business performance into the future.
• The building is in-keeping with Bank Top Farm and a nearby brick barn and the design will complement the area.
• The Council may feel extra traffic may be of concern but the applicant is already running the business and therefore we feel there will be no further issue.
• The business provides excellent community employment. The building will be done sympathetically, in-keeping with the local area.
• The facilities for Coachworks Consulting need to be improved for the business to prosper in the future. More than ever, UK based businesses should be supported at this time.
• The new building would keep six full time staff in employment.

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). The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework 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. The Deposit Draft Derbyshire Dales Local Plan is reaching an advanced stage, in that the main modifications have now been published following consideration of the EiP matters set out by the appointed Inspector. There are no significant modifications to the emerging local plan policies cited above and it is considered that they can be afforded weight in the consideration of this application on this basis.

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

• The acceptability of constructing a new building for A2 use at the site, and;
• the impact of the development on the local environment.

The Local Highway Authority are satisfied, subject to conditions, that the development would not result in any severe highway safety impacts such that a recommendation of refusal could be sustained on such grounds.

The acceptability of constructing a new building for A2 use at the site

7.4 A key consideration in respect of this application is the acceptability of constructing a new building for A2 use at the site. The applicant advises that the current business employs six people directly and seven consultants in various locations throughout the Midlands. Of the employees that work from the site it would appear that only two live at Roston, including the applicant who resides at the main dwelling at Bank Top Farm and an IT Developer at the same address / postcode. Other employees travel from Ashbourne, Mayfield, Rodsley and Brailsford. The site is located in an isolated rural location outside of Roston village, a fifth tier, settlement in the emerging local plan. Policies in both the adopted and emerging Derbyshire Dales local plans only support commercial enterprises in the countryside where a rural location can be justified. The nature of the business in this case i.e. the provision of financial and business advice predominantly for the motor industry is such that it does not need to be located in a rural area. The National Planning Policy Framework (NPPF) (2012) and emerging local plan policies recognise that inappropriately located new development
can have adverse consequences and that new development should be brought forward in a sustainable way, where local services are available and the need to travel is reduced. Other than employees that reside at Bank Top Farm / the same postcode, employees are unlikely to travel to site by methods other than the private motor vehicle, given the lack of public transport and infrastructure to travel by foot / cycle, despite the applicants assertion that staff are encouraged to use work bicycles and electric bikes supported by the government initiative for eco-transport. For reasons set out above, the proposed development would constitute an inherently unsustainable form of development in the countryside that would be in direct conflict with policy SF4 and criteria (a) of policy EDT15 of the Adopted Derbyshire Dales Local Plan, emerging local plan policies and guidance contained within the NPPF.

7.5 The applicant makes reference to the lack of available accommodation suitable for small growing businesses in the area and that they would be forced to move out of the district to towns such as Derby and Burton if planning permission is refused. Notwithstanding that this would not in itself override the inherently unsustainable nature a new business premise that does not need to be in a rural location, at the time of writing this report a search of available small office space (less than 1000sq. m) within Ashbourne / Southern Derbyshire Dales identifies the availability of a number of premises for let, including four premises in Ashbourne, a main market town with good public transport links and office premises at Atlow. Taking the above into consideration, even if the development was considered to be appropriate in nature and scale to a rural area, the applicant has failed to demonstrate that there are no existing buildings that could be converted or other buildings in the locality that could accommodate the business to satisfy the requirements of Policy EDT15 of the Adopted Derbyshire Dales Local Plan (which closely aligns with guidance contained within the NPPF).

The impact of the development on the local environment

7.6 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. The proposed building would be located to the north of the existing dwellinghouse and associated outbuildings. Its disconnect with the existing outbuildings, appearance and form is such that it would neither preserve nor enhance the quality and distinctiveness of its surroundings. The building, which would sit behind a large area of hardstanding / formal parking area, would read as a separate entity that despite being faced in materials to match the existing dwellinghouse would have little affinity with this building and the wider building group.

7.7 There are a number of ponds nearby and a mature tree which could provide roosting opportunities for bats. As the mature tree will be retained it is not considered necessary for any further survey work in relation to bats to be carried out. Whilst the removal of a summerhouse and scrub would result in the loss of a small amount of nesting and foraging habitat, impact on birds is not considered to be a significant constraint to development as much of the nesting habitat at the boundaries will be retained. The three ponds located within 250m of the site have been assessed as being of poor suitability to support breeding Great Crested Newts. Subject to conditions relating to lighting and the removal of rocks, log piles, deadwood and garden debris by hand in the active season for amphibians it is considered that protected species would be appropriately safeguarded.
Conclusion

7.8 Having regard to the relevant provisions of the development plan and national guidance it is considered that the construction of a new building to accommodate a business that does not need to be in an isolated rural location with poor access to public transport and without the infrastructure necessary to travel by means other than the private motor vehicle would constitute an unwarranted and inherently unsustainable form of development in the countryside and that its siting (poor relationship with the main dwellinghouse and outbuildings), form and appearance would neither preserve nor enhance the quality and distinctiveness of its surroundings contrary to policies SF4, SF5 and EDT15 of the Adopted Derbyshire Dales Local Plan, policies S5 and EC1 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework. It is recommended that the application be refused for these reasons.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. The application proposes to erect a purpose built office building for A2 use to accommodate a business which does not need to be in an isolated rural location. With poor access to public transport and without the infrastructure necessary to travel to the site by means other than the private motor vehicle such development would constitute an unwarranted and inherently unsustainable form of development in the countryside that would be contrary to the aims of policies SF4 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005), policies S5 and EC1 of the emerging Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

2. The building by reason of its siting, form and appearance would read as an incongruous and disparate addition to the existing building group that would neither preserve nor enhance the quality and distinctiveness of its immediate surroundings, contrary to the aims of Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005) 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:
1:1250 and 1:500 Scale Site Location and Block Plan numbered JABD/179/001;
Documents Titled Justification Statement and Design and Access Statement;
Preliminary Ecological Appraisal by Middlemarch Environmental dated February 2017;
1:200 Scale Existing and Proposed Landscape Plans numbered JABD/179/003 and 004, and;
APPLICATION NUMBER | 17/00250/REM
---|---
SITE ADDRESS: | Leys Farm, Wyaston Road, Ashbourne
DESCRIPTION OF DEVELOPMENT | Approval of Reserved Matters – Erection of 113 Dwellings (Outline Permission 15/00319/OUT)
CASE OFFICER | Mr Chris Whitmore
APPLICANT | Mr Rob Hannan
PARISH | Ashbourne
AGENT | None
WARD MEMBER(S) | Cllrs. Donnelly and Chell
DETERMINATION TARGET | 1st August 2017
REASON FOR DETERMINATION BY COMMITTEE | Major application
REASON FOR SITE VISIT (IF APPLICABLE) | At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment.

MATERIAL PLANNING ISSUES
- The impact of development on the character and appearance of the surrounding area / local landscape;
- The density, layout and design of the proposed dwellings;
- The housing mix and the level of affordable housing to be provided;
- The impact of the development on the amenity of the occupants of nearby residential dwellings;
- Protected species;
- Highway / pedestrian safety;
- Trees;
- Open space provision, and;
- Surface water drainage.

RECOMMENDATION
Approval with conditions.
Leys Farm, Wyaston Road, Ashbourne
1. THE SITE AND SURROUNDINGS

1.1 The application site comprises just over 7 hectares of pastoral fields adjoining the southern urban edge of Ashbourne (see photograph 1). Irregular in shape, the site is bordered by Wyaston Road to the east, housing to the north and west along Premier Avenue (see photograph 2) and several small cul-de-sacs, and open land to the south which drops down to the A52 Ashbourne by-pass.

1.2 Leys Farm buildings border the north-east corner of the site adjacent to Wyaston Road and two groups of trees (Ash and Oak) that are subject to Tree Preservation Order protection are located along the site boundary with Premier Avenue, Netherfield Close and Northwood Rise properties. The site is open fields for the most part, but has sporadic trees and a hedgerow boundary with occasional trees along its Wyaston Road frontage, which extends to some 170m. On the opposite side of Wyaston Road are well established houses at Oak Crescent off Willow Meadow Road (see photograph 3), with a new housing estate now largely completed at Saxon Fields (see photograph 4). Ashbourne Hilltop Infant and Nursery School is close by across Wyaston Road.
2. DETAILS OF THE APPLICATION

2.1 This application seeks approval of all matters which were reserved in respect of outline application 15/00319/OUT, including access, appearance, landscaping, layout and scale. It follows the approval of a subsequent reserved matters application for the erection of 103 dwellings at the site. The previous developer, Radleigh Homes has been recently purchased by Redrow Homes. This has resulted in the reconsideration of the layout of the development and changes to house types.

2.2 This revised application proposes a residential development of 113 dwellings and associated infrastructure, including wildlife and ecological corridors, green infrastructure, areas of public open space, a SuDS balancing facility, sustainable travel links, biodiversity enhancements and the provision of on-site affordable housing.

2.3 As with the previous application the main area of new residential development is shown at the northern end of the site, where the land is at its highest and most level. The development will continue to be served off a sweeping spine road, which will cross through the site from east to west off Wyaston Road, approximately 75m to the south of the Oak Crescent road junction. The revised scheme shows residential development extending further along Wyaston Road in a southerly direction. The approved development proposed 10 detached red brick dwellings along the Wyaston Road frontage. This has increased to 17. To the south of these a cluster of 7 dwellings instead of 3 is now proposed. Behind the dwellings fronting Wyaston Road some minor alterations to the layout have been made. The first block of development does not encroach as far west into the area of open space. The block of development to the south to the site is also more organic, following the route of the main spine road without significant encroachment in a southerly direction and without requiring the land to be retained to the same extent.

2.4 In addition to the Wyaston Road frontage the main change relates to the property types. At the northern end of the site opposite no’s 15 and 17 Premier Avenue a series of three bungalows is proposed. The dwelling closest to no. 15 Premier Avenue maintains the same stand-off distance approved in respect of application 16/00309/REM. The remainder of the house types will be two storeys. A total of 11 house types are proposed, this has reduced from 19 in respect of the previous approval of reserved matters application.

2.5 A consistent design approach across the development site has been adopted. The dwellings have an inter war appearance and will be constructed in a mixture of render and red brick, with some timber cladding. The majority of the dwellings will have hipped roofs and will incorporate traditional features such as bay windows, arched entrance porches and timber framing to projecting gables.

2.6 A comprehensive scheme of soft landscaping has been prepared, which proposes corridors of green space permeating the development and a substantial area of open space that can be used for informal recreation and children’s play. A new hedgerow and trees will be planted along the Wyaston Road frontage, which will be broken by five shared access drives serving the dwellings fronting Wyaston Road.

2.7 Existing field boundary hedgerows, hedgerow tree and other trees (including the protected trees along the northern boundary) are shown to be retained and the southern boundary is shown to be strongly planted with trees in association with elements of the sustainable urban drainage system (SUDS) which includes balancing ponds linked by a stream / swale.
3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 **The Development Plan**

The Development Plan consists of the Derbyshire Dales Local Plan (Adopted November 2005)

**Adopted Derbyshire Dales Local Plan (DDLP)**
- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- SF6: Protection of the Best Agricultural Land
- SF7: Waste Management and Recycling
- 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
- H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
- 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
- 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**

- S3 Settlement Hierarchy
- PD1 Design and Place Making
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodland
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC11 Housing Mix and Type

3.3 **Other Material Considerations:**

- National Planning Practice Guidance

4. **RELEVANT PLANNING HISTORY**

4.1 16/00309/REM - Residential development - reserved matters application for the erection of 103 dwellings (outline permission 15/00319/OUT) - Granted

4.2 15/00319/OUT - Residential development of up to 115 dwellings with associated public open space (Outline) – Granted
4.3  14/00354/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Refused

4.4  14/00183/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Withdrawn

5. CONSULTATION RESPONSES

5.1 Ashbourne Town Council:
No objections.

5.2 Derbyshire County Council (Highways):

Initial response:

This application appears to be similar to a previous submission (application code 16/00309), but with a modified housing/estate street layout.

The turning heads between plot numbers 87 and 78 and between plot numbers 40 and 50 are smaller than the previously approved layout and it will therefore be necessary to demonstrate that the areas are of sufficient size to accommodate a large refuse vehicle manoeuvre without over-running the footways. A swept path analysis will therefore need to be submitted.

The shared private driveway serving plot numbers 1 to 7 is shown with two individual vehicular accesses onto Wyaston Road, with the northern most access emerging very close to the opposite road junction, Willow Meadow Road. It would therefore be preferable if a single centralised shared access was provided, which would be clear of the aforementioned road junction. This would also provide space to locate a tactile pedestrian crossing point between this access and the junction with Willow Meadow Road.

Given that modifications may be required to the estate street layout to address the above issues revised details were requested.

Following receipt of the above comments the applicant provided a drawing demonstrating the refuse vehicle can manoeuvre within the turning heads set out above. With regard to the comments relating to the shared access serving plot numbers 1 -7, the applicant advised that providing two points of access would help mitigate vehicle movements, and that the northern access would be used predominantly by plots 1-3.

Second response:

The submitted swept path analysis adequately demonstrates that the proposed turning head layouts are suitable.

Whilst it would be preferable to have a single central access serving plot numbers 1 to 7, a highway objection to the proposed 2 no. separate accesses would not be sustainable.

Subject to conditions and advisory footnotes the Local Highway Authority raise no objections on this basis. Some of the conditions have already been imposed in respect of the original outline consent and do not need to be repeated.

5.3 Derbyshire County Council (Land Drainage)

Due to the nature of the proposed plans the Flood Risk Management Team have no comment to make.
5.4 Derbyshire County Council (Strategic Planning)

On the basis that the developer has already entered into a s106 agreement to provide infant and nursery school education contributions, officers do not wish to make any further comments concerning strategic infrastructure.

Cllr Steve Bull has expressed concern that the amount of housing being applied for in Ashbourne is far too much, highway improvements are required to mitigate the growth and the infrastructure of the schools and town needs to be reviewed.

5.5 Environment Agency

Do not wish to comment.

5.6 Derbyshire Wildlife Trust

Recommend the following conditions, in relation to the previous outline applications: -

i. Badger mitigation and habitat enhancement strategy to be submitted and agreed prior to the commencement of development. The strategy should include measures to avoid disturbance/and/or injury/harm to badgers and measures to enhance the foraging opportunities for badgers. The measures identified under paragraphs 4.15 to 4.21 of the ecology report should be fully implemented.

ii. No removal of hedgerows, trees or shrubs should take place in the bird nesting season.

iii. An ecological design strategy shall be submitted to and agreed in writing which addresses protection, compensation and enhancement measures for grassland, wetland and hedgerow habitat, badger, bats and amphibians.

Concern that the majority of the landscaping that was previously approved as part of application 16/00309/REM is not included with this application is raised. It does not appear that DWT have had sight of the comprehensive landscape proposals submitted with the application, which are broadly in accordance with the details previously agreed.

5.7 Principal Environmental Health Officer (Derbyshire Dales District Council)

No objections.

5.8 Landscape Design Officer (Derbyshire Dales District Council)

The proposals are largely satisfactory the only issues relate to:

1. Area of open space between unit 61 and the road which should be more extensively planted and trees brought onto the road frontage.
2. Trees should be included along the road frontage between units 105 – 108.
3. Open space between unit 108 and access road to unit 109 should be more extensively planted including trees.
4. Trees should be brought directly onto the road frontage in areas associated with open space west of units 10 and 21.
5. Continue the line of Prunus avium Plena along the road as far as unit 92 the feature will be much enhanced as a result.
5.9 Force Designing Out Crime Officer

There are no objections to residential development of this site.

The layout and boundaries proposed are acceptable, and (with some minor alterations) are similar to the approved scheme from application 16/00309, which I note from your records was referred for comment to us on the 18.5.16, but not received.

Where I do think that the application could be open to criticism is in respect of the treatment of corner plots, which are key to maintaining a strong outlook of the street and maximising a visual connection between house occupants and both private and public space outside.

None of the corner plots, or those with elevations exposed fully to open space have fenestration to habitable rooms, a situation which I consider could be improved significantly.

The Avon type has untreated side elevations facing the highway and open space at plots 40 and 61. Treatment to the lounge/diner and landing should be a consideration.

The Warwick type is a key corner plot in several locations, and in fact the street-scene plans do show a ground floor window to exposed side elevations but this is not shown on floor plans (there are no elevation plans online).

Plots 1, 7, 10, 21, 24, 50, 55 and 105 should all be duel fronted plots and there are opportunities to treat lounge, kitchen/diner at ground floor, and bedrooms differently.

A similar situation exists for the Henley type on plot 39, the Cambridge on plots 32, 78, 85 and 108, and the Worcester on plots 97 and 100.

6. REPRESENTATIONS RECEIVED

6.1 Representations from four local residents have been received, all objecting to the proposed development. Their concerns can be summarised as follows:

Principle

- The level of new housing development coming forward in Ashbourne is unacceptable for a small market town like Ashbourne.

Highway matters

- The development will result in congestion onto the A52 from Springfield Avenue and the rear of Prestons Garage.
- Traffic congestion has gradually got worse since we have lived on Willow Meadow Road as a number of housing developments have been approved.
- Vehicles are already parking on Willow Meadow Road restricting visibility.
- Pedestrian safety will be at risk.
- Future residents may find it difficult to drive to their homes due to snow.
- What measure will be put in place regarding the junction of the A52 such as safe crossing places and parking on the side of a road that is a bus route?
- An adequate and safe transport network needs to be created and built.
- The access roads to the affordable homes are very small. It is unsafe for pedestrians.
Housing mix

- The affordable houses are more cramped than previously put forward.

Ecological impacts and impacts on trees and mature hedgerows

- A bat specific wildlife assessment should be completed.

Impact on existing services and facilities

- Sufficient school places need to be funded, planned and physically established.
- The applicant should be made to provide sufficient funds in support of the infrastructure changes needed.
- It is very likely that we have protected species in this area.

Impact on Residential Amenity

- There are twelve buildings near our property, with seventeen car parking spaces. My garden will become a polluted place. This is not acceptable.

Other matters

- Questions are raised as to what are the future plans for Leys Farm itself?
- The fencing placed nearest Premier Avenue is inadequate.

7. OFFICER APPRAISAL

7.1 This application follows the grant of outline planning permission for residential development on the site of up to 115 dwellings with associated public open space at committee in July 2015. A decision notice was issued in January 2016 following the completion of a legal agreement to secure a contribution towards affordable housing equivalent to 45% of the total number of new homes to be constructed on site, monies towards infant and junior school places and off-site highway improvements and the monitoring of a travel plan. In granting outline permission for 115 units, it was recognised that although there were adverse environmental impacts in terms of landscape harm and unresolved impacts in terms of congestion and pressure on town facilities that these impacts were outweighed at that time by the benefits of delivering a significant number of new homes to help meet the districts housing needs. A subsequent application for approval of reserved matters for a development of 103 dwellings was approved at committee on the 6th September 2016. Following this decision a different house builder has taken on the site and has reconsidered the layout of the development and house types, which has resulted in the slight increase in numbers. The total number of dwellings that is now being proposed, however, still falls within the scope of the original outline permission.

7.2 As the principle of new residential development of up to 115 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. 15/00319/OUT.

7.3 The main issues to assess having regard to the reserved matters which approval is sought, relevant policies of the development plan, guidance contained within the National Planning Policy Framework (NPPF) and comments from the statutory consultees and the public are:
• The impact of development on the character and appearance of its surroundings and the landscape;
• The density, layout and design of the proposed dwellings;
• The housing mix and the level of affordable housing to be provided;
• The impact of the development on the amenity of the occupants of nearby residential dwellings;
• Protected species;
• Highway / pedestrian safety;
• Trees;
• Open space provision, and;
• Surface water drainage.

The impact of development on the character and appearance of its surroundings and the local landscape

7.4 The proposed scheme is in general accordance with the illustrative masterplan, which accompanied outline application 15/00319/OUT with development concentrated at the north and eastern ends of the site, where the land is more gently sloping and closely associated with existing development at the Shires (the Premier Avenue estate). In comparison with its immediate surroundings at Premier Avenue, Saxon Fields and Oak Crescent the density of housing within the context of the wider site area remains low. The main difference between this application and approval of reserved matters application 16/00309/REM for 103 dwellings is the continuation of development along Wyaston Road in a southerly direction. The additional land to be developed is modest, gently sloping and extends no further southwards than the recent development at Saxon Fields on the opposite side of Wyaston Road.

7.5 The development would be contained to the south by a new belt / pockets of woodland planting, which in time will create a new settlement edge. The strengthening and planting of new hedgerows and retention of a central swathe of open space will continue to ensure an appropriate landscaped setting.

7.6 The formation of shared accesses along Wyaston Road, allow for the replanting of a significant section of hedgerow, an important feature of the existing road and new tree planting (to replace two existing mature hedgerow trees). Careful consideration has also been given to the nature of position of the sustainable urban drainage feature, which is presented as a series of swales which will discharge into a larger balancing feature. Set behind a substantially planted southern boundary such a system has the potential to be an attractive landscaped feature and provide significant ecological benefits. Management of the landscaped areas, open space and SuDs features will need to be secured by condition.

7.7 Protected trees along the northern boundary of the site are shown to be retained. No new dwellings are shown to sit underneath the canopies of these trees. A spur of new housing off the main spine road is shown to extend up to the trees behind no’s 15 – 23 Premier Avenue, however, sufficient space is shown to safeguard the health / wellbeing of these trees. Subject to protective fencing being installed and careful consideration given to the levels around the trees these important features of the site should not be adversely affected by the proposed development.

The density, layout and design of the proposed dwellings

7.8 As previously discussed, the density of new housing development will remain low which is considered appropriate given the settlement fringe location and topography of the site. The low density of the development enables the more prominent and difficult areas of the site
to be retained as open space, which with additional planting will create an attractive landscape setting and help mitigate the level of harm to the local landscape.

7.9 The number of house types has been reduced from 19 to 11. The dwellings will be of a traditional design, faced in materials that would respond to the local character and distinctiveness of the surrounding area. Strong, coherent street scenes will be created and on the edges of the site larger properties, which sit in larger plots are proposed. This is considered to be an appropriate response to the sites town fringe location. Careful consideration of the boundary treatments to plots along the southern edge of the site will, however, need to be given until the proposed landscaping takes effect. This will need to be a condition of any grant of planning permission.

7.10 The Designing Out Crime Officer has raised issue with elevations not being fully exposed to open space and the treatment of corner dwellings which occupy corner plots and the missed opportunity to maximise a visual connection between house occupants and private and public space outside. It is, however, considered that the layout and design of the proposed dwellings responds positively to the sites context and surroundings. Where appropriate dwellings front open space and dwellings have an outlook over the equipped play area. Taking into consideration the sensitive location of the site and low crime rates and the layout and appearance of the dwellings is considered to be acceptable in this regard.

The housing mix and the level of affordable housing to be provided

7.11 In terms of housing mix, 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 ……”

7.12 Policy HC11 in the deposit draft Local Plan seeks to ensure that new housing meets the communities needs and recommends the following mix of market housing:

1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%.

Although a higher proportion of 4+ bedrooromed properties are proposed as part of this application, a contribution towards affordable housing which will be geared towards providing smaller units of accommodation will be provided on the back of this development. Combined with the sensitive nature of the site in landscape terms the housing mix that is being proposed is considered to be acceptable.

7.13 In term of affordable housing delivery 28 affordable dwellings, representing 24.7% of the total number of houses to be erected are proposed. In terms of the mix, the applicant proposes 20 no. two bedroomed dwellings and 8 no. three bedroomed dwellings. In addition to this a 20% off-site affordable housing contribution will be made. The S106 accompanying the original outline application requires a scheme of affordable housing to be submitted and approved in writing prior to the commencement of development which will need to include details of the exact number, type, tenure split and size of the affordable dwellings, the occupancy criteria and the timetable for providing the affordable dwellings.
The impact of the development on the amenity of the occupants of nearby residential dwellings

7.14 Although concern has been raised from the occupant of no. 9 Premier Avenue with regard to the number of dwellings and car parking spaces proposed adjacent to their property and loss of outlook, the separation distance and intervening pocket of land is such that there would be no significant overbearing / overshadowing impact or loss of privacy. The scale and siting of the proposed dwellings have been carefully considered so as to not result in any adverse impact on existing residents which border the development site.

Impact of the development on protected species

7.15 DWT have considered the impact of the development on protected species and are satisfied that the protected species and other wildlife would be appropriately safeguarded. As the recommended conditions were imposed in respect of the outline permission it is not considered necessary to repeat them. The significant amount of new hedge and tree planting and SuDs features are likely to bring significant ecological benefits.

Highway / pedestrian safety

7.16 The public have questioned the ability of the local road network to accommodate the level of development proposed. In considering the outline application to erect up to 115 dwellings on the site the Local Highway Authority requested that the Local Planning Authority secure £95,000 towards highway network improvements within the area to offset any detrimental impacts arising as a result of the level of development proposed. The Local Highway Authority contribution may be applied to, but not be limited to the installation of permanent traffic monitoring station at agreed locations within Ashbourne to aid data collection, further transport studies in the Ashbourne area, identifying, designing and implementing targeted highway and pedestrian safety or capacity improvements, within the identified area and improving public transport infrastructure and walking / cycling routes between the site and the town centre. Such a payment has been secured by the Local Planning Authority through by a section 106 agreement with the developer. It is recognised that the developer contribution may not fully fund the entire works necessary to offset the impact of the development and it may well require additional public or development related funds to support any comprehensive improvement package for the town. However, the sum identified is considered reasonable by the Highway Authority to offset the impact arising from the development of up to 115 dwellings such that rejection on highway safety grounds cannot be sustained. This approval of reserved matters application seeks the erection of 113 dwellings, which is well within the quantum of development approved at outline stage.

7.17 The Local Highway Authority is satisfied that the layout and geometry of the main spine and estate roads road would be acceptable from a highway safety perspective and, subject to conditions and advisory footnotes, raise no objections on this basis.

Impact on trees

7.18 As stated in the consideration of the original outline application, the site is not densely covered in trees but there are two groups of protected trees along the sites northern boundary, mainly bordering rear gardens of Premier Avenue properties. These trees comprise Scots Pine, Oak and Ash. Subject to imposing conditions to ensure the protection of and to control land levels around the trees the Local Planning Authority are satisfied that the siting of the new houses, which are positioned to the south, is such that the health and wellbeing of these important landscape features along the northern boundary, and in the central swathe of open space would not be adversely affected. New
houses are positioned beyond the canopy of protected trees. Two mature trees along the site frontage have already been felled, however, they will be replaced with a significant number of new trees which will be planted across the development site and within the new hedgerow to be planted along the Wyaston Road frontage. This is considered to comprise an acceptable level of compensatory planting.

Open space provision

7.19 The application proposes a significant amount of public open space. The scheme of landscaping also proposes an equipped play area in the central, dividing swathe of landscaping, which would be accessible to residents of the new dwellings and in the wider locality. The position, scale and nature of the equipment is considered sufficient to satisfy the requirements of Policy L6 of the Adopted Derbyshire Dales Local Plan (2005).

7.20 A condition to secure the future management of all landscaped areas and public open space will be required to ensure that these areas are maintained for their intended purpose / use in perpetuity.

Surface water drainage

7.21 The applicant is satisfied that the storage features shown on the site layout plan would be capable of serving the proposed development and has already presented detailed designs as part of the discharge of condition 14 of the outline permission.

7.22 In agreeing landscaping as a reserved matter the Local Planning Authority need to be satisfied that such features can be accommodated on the site without causing harm to the character of the local landscape. The applicant has advised that the features will be designed to cause as little impact on the local environment as possible. Initial designs which were tabled as part of the original outline application (for 145 houses which was refused) showed a large balancing pond, which was considered inappropriate high up on a hillside. This application proposes a series of smaller features (swales) which has enabled the balancing lagoon at the western end of the site to be reduced in size. Combined with substantial new hedge and tree planting, this approach, subject to careful consideration of the profile of the lagoon would not have a harmful impact on the character of the local landscape.

Conclusion

7.23 For reasons set out above it is concluded that the layout, scale and appearance of the development and associated landscaping and access arrangements would satisfy the relevant provisions of the development plan and national guidance. It is recommended that the application be approved on this basis.

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

1. Samples of all materials to be used in the construction of 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.

2. Upon agreement of samples of all materials to be used in the construction of the external surfaces of the proposed dwellings and garages a revised materials plan which shows the distribution of those materials across the development site shall be submitted to and
approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

3. Notwithstanding the submitted details chimneys should be incorporated into the design of some of the approved dwellings to ensure the appropriate distribution of such features across the development site in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The chimneys shall thereafter be installed in accordance with the approved details prior to first occupation of the dwellings to accommodate such a feature and be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

4. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 8:00 and 18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

5. Before any other operations are commenced 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:
   a. Parking of vehicles of site operatives and visitors
   b. Routes for construction traffic
   c. Method of prevention of debris being carried onto highway
   d. Pedestrian and cyclist protection
   e. Proposed temporary traffic restrictions
   f. Arrangements for turning vehicles

8. No part of the development shall be brought into use until the 2m wide footway fronting the site on Wyaston Road has been constructed in accordance with the approved drawing J088/100/03. 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 roads 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. Individual and shared private driveways 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, 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.

11. No part of the development shall be brought into use until a new vehicular estate street junction has been formed to Wyaston Road in accordance with application drawing No J088/100/03, 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 65 metres 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) above ground level, levelled, constructed as footway and not being included in any plot or other sub-division of the site.

12. No part of the development shall be brought into use until new vehicular accesses have been formed to Wyaston Road in accordance with application drawing No. J088/100/03, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 65 metres 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.

13. No dwelling shall be occupied until space has been laid out within the site in accordance with application drawing No J088/100/03 for residents and visitors car parking.

14. The garage/car parking spaces to be provided 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) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/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.

15. 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.

16. Any gates shall open inwards only.

17. Individual and shared private driveways shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable/highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent adoptable/existing highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

18. In addition to the requirements of Condition 14 of outline permission 15/00319/OUT no dwelling shall be occupied until surface water drainage works have been implemented in accordance with details which shall have been previously 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 DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and the hierarchy in Approved Document Part H of the Building Regulations 2000, 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. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the buildings.

20. No meter boxes shall be fixed to the exterior of any of the buildings without the prior written approval of the Local Planning Authority.

21. Prior to the commencement of development, details of all gutters, downpipes and all other external pipework shall be submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details and so retained.

22. No development shall commence on site until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, which includes all landscaping previous set out in drawings GL0568 03D, 01D and 02 C and the following:

a. More planting and trees brought onto the road frontage on the area of open space between plot 61 and the road;

b. Trees along the road frontage between plots 105 – 108;

c. More planting, including trees on the open space between plot 108 and the access road to plot 109;

d. Trees brought directly onto the road frontage in areas associated with the open space to the west of plots 10 and 21;

e. Prunus avium Plena along the road as far as plot 92, and;

f. The details of the boundary treatment to the southern boundary of the spine road and gardens of the dwellings on plots 93, 102 and 110 - 113.

23. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any dwelling or in accordance with a programme to be agreed in writing with the Local Planning Authority.

24. No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the
crown spread of the trees to be retained (or such other fencing as agreed in writing by the Local Planning Authority) and details of the land levels around the protected trees along the northern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area and the land levels formed in accordance with the approved details.

25. No dwelling shall be occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and areas of public open space (except privately owned domestic gardens), including the equipped play area and SuDs features shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

   i) details of maintenance regimes details of any new habitat created on site;
   ii) details of treatment of site boundaries and/or buffers around water bodies, and;
   iii) details of management responsibilities.

26. Prior to the commencement of development, a timetable for the delivery of the equipped play area set out on drawing numbered GL0568 01D or any subsequent amended drawing submitted in respect of condition 22 shall be submitted to and approved in writing by the Local Planning Authority. The equipped play area shall thereafter be delivered in accordance with the approved timetable.

Reasons:

1-2. 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 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).

4. In the interests of preserving the amenities of the occupants of nearby residential properties in accordance with the aims of Policies SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5-17. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

18. To ensure appropriate provision for and management of the disposal of surface water run-off in accordance with the aims of guidance contained within the National Planning Policy Framework (2012).

19-21. To ensure 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).
22-23. To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with the aims of Policies SF5, H9, NBE6, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

24. To ensure the protection of trees important within the landscape and/or protected by Tree Preservation Orders in accordance with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

25. To ensure the proper management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

26. To ensure the provision of play space in accordance with the aims of Policy L6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.

2. 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.

3. 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 (ask for the Development Control Implementation Officer Mr T Turkington, Tel: 01629 538578).

4. 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.

5. 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.

6. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down
towards the public highway, measures shall be taken to ensure that surface water run-off
from within the site is not permitted to discharge across the footway margin. This usually
takes the form of a dish channel or gulley laid across the access immediately behind the
back edge of the highway, discharging to a drain or soakaway within the site.

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. A number of the above conditions of the Approval are condition precedent. This means
that a valid commencement of the approved development cannot be made within the
lifetime of the permission until the particular requirements of the conditions precedent
have been met. Failure to discharge conditions precedent may leave the development
liable to the Council initiating formal enforcement proceedings.

10. 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 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.

This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan numbered J088/100/01;
Design and Access Statement by Redrow Homes dated March 2017;
1:100 Proposed Dwelling and Garage Elevations and Floor Layout Plans numbered
EF_SHER_DM.1, EF_LUDL_SM.1, EF_HENL_DM.4, EF_LUDL_SM.2, EF_WORC_DM.4,
EF_WARW_DM.4, EF_FAIR_DM.4, EF_AA4_M.1.0, EF_AVON_EM.1, EF_AVON_MM.2,
EF_AVO3_MM.1, EF_RICH_DM.4, EF_OXFO_DM.1, EF_CAMB_DM.5, Single Garage Type 1
and Double Garage Type 12;
NTS Proposed Street scenes Plan numbered J088/100/04;
1:500 Scale Site Layout Plan numbered J088/100/03;
Proposed Soft Landscape Proposals Plans numbered GL0568 01D, 02 C and 03D, and;
Landscape Management Plan for the Public Open Spaces by Golby and Luck Referenced
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
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<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land East of Les Ardennes, Hulland Ward</td>
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<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Outline Application For The Erection Of Up To 17 Dwellings (Outline)</td>
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<tr>
<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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<tr>
<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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<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr R Bright</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>26.07.17</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
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**MATERIAL PLANNING ISSUES**

- Principle of development
- Highway safety and footpaths
- Impact on residential amenity
- Land drainage and sewerage capacity
- Impacts upon ecology
- Developer contributions

**RECOMMENDATION**

Refusal
16/00872/OUT

Land east of Les Ardennes, Hulland Ward
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 is for the erection of up to 17 dwellings, all matters with the exception of access are reserved for future consideration. The access is intended to be via the site to the highway frontage which was the subject of application 17/00832/OUT and approved for residential development of an unspecified number at the March 2017 planning committee. From the indicative plan the internal road network is intended to continue from the ‘T’ shape of the earlier application to form a circuitous route through the site. As with the earlier application it is intended that a pedestrian access to the footpath which leads to the western side of the site through the eastern corner of Charles Walker Close will be provided.

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:
   – Ecological Appraisal
   – Transport Assessment and Travel Plan
   – Design and Access Statement
   – Phase 1 Site Investigation Report
   – Landscape and Visual Impact Assessment
   – 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
   - 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

2. Draft Derbyshire Dales Local Plan: -
   - S3: Settlement Hierarchy
   - S5: Development In The Countryside

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:

16/00832/OUT Outline application for residential development and associated access – Resolution to grant permission subject to S106 agreement

WED/0691/0444 residential development (outline) – Refused.

ASR/563/3 residential development – Refused.

5.0 CONSULTATION RESPONSES

Parish / Town Council

5.1 Object on the following grounds:
   - The position of footpaths and pavements from the development is non-existent and therefore unacceptable.
   - The brook already overflows so underground drainage would be preferable.
   - There is no play provision.

Derbyshire County Council (Highways)

5.2 This current application is outline with all matters reserved except for access. As you will be aware, the proposed access to this site off Derby Road (CIII) has already been agreed (and permitted) in connection with the already approved residential development for the first phase (16/00832/OUT).
As stated in my e-mail in response to 16/00832/OUT (dated 28 February 2017), should any additional development off the new access to Derby Road result in excess of 50 dwellings being served by the proposed access, the internal road would require a minimum carriageway width of 5.5m. However, the 17 dwellings proposed under this current application does not result in an overall development of 50+ dwellings. Therefore, the Highway Authority has no objection to an additional 17 dwellings being served by the already permitted vehicular access.

Again, like the previous application for the first phase, no detailed assessment has been carried out on the indicative internal layout of the proposed dwellings as this is to be agreed in a reserved matters or full application stage. However, sufficient space seems to be available to enable all dwellings to be provided with adequate parking levels and any internal road to allow for service and delivery vehicles to enter the site, turn and exit in a forward gear.

As the first phase has not yet been completed, the same recommended highway conditions in connection with the permitted application (16/00832/OUT) should be included in any consent for this current application.

Derbyshire Wildlife Trust
5.3 Awaiting response

Natural England
5.4 No comments to make regarding this application.

Derbyshire Dales Ramblers
5.5 No objection providing that Hulland Ward FOP2 is not affected in any way either during or after construction without the prior agreement of the DCC ROW department.

Peak and Northern Footpaths
5.6 No objection provided the full width of footpath 2/14 Hulland Ward which abuts the western boundary remains unobstructed at all times. Since this footpath would have greater use as a result of the development, the applicant should be obliged to contribute to the improvement of its surface as necessary. It might be appropriate to ask for reinforcement of the hedge along the eastern boundary of the path to protect the views from the path.

Derbyshire County Council (Flood Team)
5.7 Awaiting response

Strategic Housing Team (Derbyshire Dales)
5.8 Awaiting response

Environmental Health DDDC
5.9 No objections

6.0 REPRESENTATIONS RECEIVED
6.1 A total of 5 representations from 4 parties have been received. A summary of the representations is outlined below:

- The site is outside of the current and proposed settlement boundary for Hulland Ward and is green belt land.
- The plan highlights the need to develop within built up areas and to protect green field and open spaces from development.
- The site sits outside of the existing southern edge of the village and therefore imposes further into the green belt.
− The scale of the development which is mostly 5 bedroom houses is far in excess of the existing dwellings in the village.
− The density of development does not relate to density of dwellings around the proposed site, far too many already under consideration.
− There is no affordable housing provision.
− Is the problem of surface water run off going to be prevented? Flooding and sewerage are a concern due to the scale of the development, the recently upgraded system will not cope.
− Will ridge height relate to properties around the proposed site?
− This will result in a loss of privacy and will impact upon the peaceful enjoyment of our home and garden.
− There are lapwings, fieldfare and skylarks seen in the sky above this field, these are red list species and are ground besting birds.
− Although footpath 2 is on high meadow land we accept that the highways department can authorise an upgrade of this and be responsible for ongoing maintenance. However it should be noted that the footpath terminates at the edge of the Main Road and there is no other link into the village to access amenities other than the private footpath which runs along the front of our property which was part of the permission for Charles Walker Close, this is not a public right of way and we will if necessary gate this off.
− No safe pedestrian access into the village.
− The site access is onto a very busy road with where HGV’s and vehicles travel at speed. There is no safe pedestrian access from the proposed site to the local amenities.
− The access to the site is reliant on a different permission to the front of the site.
− Visibility from the proposed access is poor.
− The increase in the volume of traffic is a danger to highway safety on this busy road.

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 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 will now take place. Given the progression of the Deposit Draft Local Plan these policies now have weight in the decision making process.

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 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, 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:

- Principle of development
- Highway safety and footpaths
- Character and amenity
- Land drainage and sewerage capacity
- Impacts upon ecology
- Developer contributions

**Principle of Development**

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. As such it is considered to be one of the more sustainable settlements and has been categorised a third tier settlement where growth can be accommodated within the defined settlement boundary with allocated sites within that boundary.

7.8 In considering the expansion of villages like Hulland Ward through the allocation of land for new housing development it is important to consider amongst other matters the impact of additional development upon the character and appearance of the landscape and settlement pattern. The Wardell Armstrong report on Landscape Sensitivity was carried out to aid in the determination of where development should be focussed, identifying within each settlement the landscape characteristics and sensitivity.

7.9 The Wardell Armstrong report on Landscape Sensitivity describes Hulland Ward as follows:

**Hulland Ward is a community of approximately 1000 inhabitants located east of Ashbourne. Development extends up to Moss Lane from the A517, which follows a local ridgeline falling gently from over 220mAOD in the west to just under 200mAOD in the east.**

**Land drops away on either side of the A517 towards Biggin Brook in the north and Hulland Hollow Brook and Deepdale in the south. The oldest parts of the village comprise linear development either side of the A517 which runs east to west along a local ridgeline.**

**Further more recent development occupies the slope between the northern edge of the A517 and Moss Lane creating the distinctive, compact, triangular layout.**

The analysis within the study states:

**Hulland Ward predominately comprises post-war development with well-defined edges, bounded by the A517 to the south. The surrounding land is very open with distant views available, and the A517 and Moss Lane act as strong limits to development. There is linear development on the A517, however development of land to the south of this has the potential to generate coalescence between Hulland and Hulland Ward. The north-western edge of the village is less well-defined. Land to the north of the village is open and visually prominent. However there are some fields to the north-west of the village which are located on rising land, but are semi-enclosed by tree belts and hedgerows. These fields are viewed against existing development on Biggin View on the ridge above.**
This section of the report concludes:

The fields to the west of the village are of medium sensitivity due to semi-enclosure by tree belts and hedgerows and the presence of development on higher topography above. All remaining land surrounding the settlement is of high sensitivity.

7.10 The Study concludes that the application site and the neighbouring site to the north are in an area of high sensitivity. From this Study and a further in-house landscape assessment the site fronting the highway to the north of this application site was considered suitable for development and allocated as a site suitable for development within the emerging local plan. Although in an area of high sensitivity, it was considered that the frontage site assimilates well with the existing pattern of development to the southern end of the village by continuing the ribbon like form of development along this stretch of the A517, as identified in the Study, nestling between Les Ardennes and Magfields Cottages.

7.11 Whilst also within the area of high sensitivity and contrary to the site to the north, the proposed development the subject of this application, would project beyond the ribbon like form of development, which is identified as providing the southern limits to the village within the triangular form of the settlement, as is described in the Study. This projection into the open countryside would result in a prominent form of development contrary to the prevailing settlement pattern of Hulland Ward, as has been identified in the Study, and as such would be harmful to the character and appearance of this sensitive landscape area.

7.12 Within both the existing and the proposed local plan it is clear that the application site is located outside the settlement framework boundary in open countryside. Given that the council can demonstrate the required supply of housing, the development of this site is considered consequently to be unnecessary encroachment into the countryside beyond the settlement limits. Such encroachment is inherently harmful to the character and appearance of the countryside in this area of high sensitivity.

7.13 For the reasons set out above the development is considered to be contrary to both adopted and emerging planning policy and national planning guidance which promotes the appreciation and respect of the beauty of the countryside.

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 The matter has been considered by the Local Highway Authority who are satisfied that adequate access can be formed in association with the scheme to develop the site to the north of this application site which was considered by the committee in March of this year. As such access to the site is considered to be acceptable in accordance with local and national planning guidance.

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. The limited connectivity is a failure of this site. The lack of pedestrian access was a disbenefit in the planning balance when considering the application to the north of this site and therefore significant expansion where pedestrian access to the services and facilities of the village is limited is a disbenefit of the scheme to be weighed in the planning balance.
Impact on residential amenity

7.17 As the application is in outline form only the submitted plans of the layout and design proposals are indicative only. Should the site be considered acceptable for development in principle, it is considered that an appropriate design and layout could be resolved through any reserved matters. In this case as the site is not considered to be acceptable in terms of its location the detail of the scheme is not under consideration.

7.18 Concerns have been raised that the development of this site would harm residential amenity through loss of privacy. Whilst any such issues would need to be considered as part of any reserved matters the in principle objection to the development of this site

Land Drainage and Sewerage Capacity

7.19 From the representations of local residents it is clear there is concern that the development of this site will cause additional surface water flooding issues in the locality. Whilst comments are yet to be received from the Flood Authority at DCC it is considered that as with the site to the north subject to appropriate conditions and the provision of a land drainage feature on the site matters of drainage could be appropriately resolved.

7.20 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.

Impacts upon Ecology

7.21 Concerns have been raised regarding the impact of development upon bird species. Whilst comments are yet to be received from Derbyshire Wildlife Trust it is considered that subject to appropriate mitigation and conditions the impacts upon ecology would not be such that refusal of the application on ecology grounds would be warranted.

Developer Contributions

7.22 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. Confirmation from the applicant’s agent of their agreement to this provision is awaited.

7.23 In terms of the requirement for school provision, no response has been received as yet regarding this matter. However, based on the requirement specified on the site to the north of this application site there will be a requirement for school contribution. However, given the unsuitability of the site for development this matter requires no further consideration.

7.24 The provision of on-site play area/open space would also be required should the application be considered acceptable in principle.

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 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.

7.27 Both the emerging and adopted local plans clearly indicate that the application site being beyond the settlement boundary outside of the area of planned growth for Hulland Ward. As the council can clearly demonstrate the required housing land supply both for the 5 year period and throughout the plan period expansion beyond the allocations contained within the emerging plan are unnecessary and as such constitute unwarranted encroachment into the countryside. Such encroachment is inherently harmful to the character and appearance of the countryside. In this case as the application site projects beyond the general line of development to this southern side of Hulland Ward the proposal is also considered to be harmful to settlement pattern within an area of high landscape sensitivity. 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.

7.28 Assuming confirmation of the provision affordable housing in accordance with the emerging policy requirements, the social role would be 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 the village of Hulland Ward.

7.29 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.

7.30 In terms of the environmental role, the development of this site outside the defined settlement boundary for Hulland Ward would result in unwarranted encroachment into the countryside which is intrinsically harmful to the character and appearance of the countryside and associated settlement pattern. Furthermore the limited pedestrian connectivity into the village is also a disbenefit to the scheme which may result in an overreliance on the private motor car.

7.31 It is recognised that this proposal would boost the provision of housing to meet the future needs of the District and that this is a benefit to be gained from the development. However, as the Council can identify the required housing land supply throughout the plan period with sufficient flexibility in the delivery, this benefit has not been attributed significant weight in the decision making process. The identified harm to the environment results in a form of development that does not meet the aims of the environmental role of sustainability, this harm, or disbenefit, is considered to have great weight in this case. In this regard it is considered that with the clear provision of the required housing land supply over both the short and long term, the environmental disbenefits of this proposal significantly and demonstrably outweigh the benefits such that refusal is recommended.

8.0 RECOMMENDATION
8.1 To refuse planning permission for the following reasons:

The proposed development outside of the area of planned growth for Hulland Ward would constitute unwarranted encroachment in the countryside that would be intrinsically harmful to its character and appearance and settlement pattern contrary to policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012) and the National Planning Practice Guide.
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:
   - Ecological Appraisal received 26.04.17
   - Transport Assessment and Travel Plan received 26.04.17
   - Design and Access Statement received 11.04.17
   - Phase 1 Site Investigation Report received 26.04.17
   - Landscape and Visual Impact Assessment received 26.04.17
   - Speed Readings
   - Surface Water Drainage Strategy received 26.04.17
   - Proposed site plan received 11.04.17
   - Existing site plan received 11.04.17
   - Proposed location plan received 11.04.17
   - Existing location plan received 11.04.17
   - Typology received 11.04.17
### APPLICATION NUMBER
17/00026/OUT

### SITE ADDRESS:
Land off Main Road, Brailsford

### DESCRIPTION OF DEVELOPMENT
Residential Development of up to 32 Dwellings with Access and Associated Works (Outline)

### CASE OFFICER
Mr Chris Whitmore

### APPLICANT
Gladman Developments

### PARISH
Brailsford

### AGENT
None

### WARD MEMBER(S)
Cllr. Jenkins

### DETERMINATION TARGET
18th April 2017

### REASON FOR DETERMINATION BY COMMITTEE
Major application

### REASON FOR SITE VISIT (IF APPLICABLE)
No site visit required. Members visited the site on the 9th May 2017.

### MATERIAL PLANNING ISSUES
- The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- the impact of the development on settlement pattern, the character and appearance of the surrounding area and the local landscape;
- species protected by law;
- highway safety;
- the level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure, and;
- the loss of agricultural land.

### RECOMMENDATION
Approval with conditions.
17/00026/OUT

Land off Main Road, Brailsford

Derbyshire Dales DC

Date: 03/07/2017

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
1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises a rectangular field covering 1.93ha in area located on the western edge of Brailsford village, north of the A52 (see photograph 1). Beyond the eastern boundary is the Miller Homes development and recently constructed primary school, which can be seen in photograph 2. To the south of the site on the opposite side of the A52 are allotments, which sit behind a strong hedgerow. Further south is the route of Public Footpath no. 40 ‘Brailsford’.

1.2 Brailsford Conservation Area is located to the south east, with intervening properties on Main Road located between it and the site (see photograph 3).

1.3 Springfield Cottage is located to the south east of the site. The boundary is defined by a post and rail fence. The remaining boundaries are defined by hedgerows, interspersed by large mature trees.

1.4 The application site includes a narrow strip of land running 70m to the north at the north eastern corner of the site, which then turns east for a distance of 180m towards Luke Lane.
2.0 DETAILS OF THE APPLICATION

2.1 This application seeks outline planning permission with all matters reserved except the point of access onto Main Road for a residential development of up to 32 dwellings (30% of which are offered up as affordable units). It is proposed to form a new access from Main Road (the A52) at the centre point of the southern boundary and a footpath link to Luke Lane. A Development Framework Plan accompanies the application which illustrates how the site could be developed. It shows formal and Informal Public Open Space (38% of the gross site area), retention of existing landscape features and planting of new trees. The extent of new housing development is shown to cover an area of 1.18ha. An attenuation basin is shown at the south eastern corner of the site. The plan indicates that a new footway will be formed from the footpath link to the new primary school. Pedestrian access / footpaths around the edge of the site up to the new footpath link and through to the Miller Homes development are also shown.

2.2 In addition to the Development Framework Plan, the application is accompanied by the following supporting documents:

- Design and Access Statement by Gladman
- Ecological Appraisal by FPCR
- Landscape and Visual Appraisal by FPCR
- Arboricultural Assessment by FPCR
- Ecological Appraisal by FPCR
- Transport Statement by Prime Transport Planning
- Proposed Site Access arrangement and Pedestrian Improvements Plan numbered P16111-001 which shows the widening of the footway between the site access and Luke Lane and new pedestrian crossing facilities close to The Green Road junction.
- Travel Plan Framework by Prime Transport Planning
- Phase 1 Site Geoenvironmental Assessment by Lees Roxburgh
- Flood Risk Assessment by Lees Roxburgh
- Foul Drainage Analysis Report by Utility Law Solutions
- Noise Assessment Report by Wardell Armstrong
- Air Quality Screening Assessment by Wardell Armstrong
- Planning Statement by Gladman
- Statement of Community Involvement by Gladman
- Soil Resource and Agricultural Use and Quality Report by Land Research Associates, and;
- Archaeological Desk Based Assessment by CgMs

2.3 All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report.

2.4 The planning statement by the applicant makes the following statements in support of the application:

- The site is a proposed allocation in both the emerging Local Plan and the emerging Neighbourhood Plan;
- The site is suitable for residential development in terms of location and characteristics and is not of high environmental value;
- The landscape features of the site will be retained and reinforced to retain a suitable landscape edge and setting, and;
• The provision of affordable housing, without subsidy, is a significant benefit in the circumstances where the Council is not delivering homes to meet pressing needs.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005):

SF4 Development in the Countryside
SF5 Design and Appearance of Development
SF6 Protection of the Best Agricultural Land
SF7 Waste Management and Recycling
SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
H4 Housing Development Outside Settlement Frameworks
H9 Design and Appearance of New Housing
H13 Affordable Housing - Exceptional Sites in Rural Areas
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
NBE21 Development Affecting a Conservation Area
NBE26 Landscape Design in Association with New Development
NBE27 Crime Prevention
L6 Outdoor Playing Space in New Housing Developments
TR1 Access Requirements and the Impact of New Development
TR8 Parking Requirements for New Development

3.2 Deposit Draft Derbyshire Dales Local Plan

S3 Settlement Hierarchy
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodland
HC1 Location of Housing Development
HC2 Housing Land Allocations – the site is allocated for 32 units
HC4 Affordable Housing
HC11 Housing Mix and Type

3.3 Other Material Considerations:

National Planning Practice Guidance
Brailsford Neighbourhood Plan

4.0 RELEVANT PLANNING HISTORY

4.1 16/00567/OUT Outline application for residential development of up to 75 dwellings and associated access – Refused.

5.0 CONSULTATION RESPONSES

5.1 Brailsford Parish Council:

The Parish Council make the following comments in objecting to the proposed development:-
Brailsford objections to planning application 17/00026/OUT

Brailsford Parish Council wishes to register an objection to any potential approval of this application on the basis that:

- the total number of new homes proposed for the village is unacceptable resulting in the size of the village being essentially double within a very short time scale without any additional local investment to improve overall amenity (see our objection to the DDDC Settlement Hierarchy used to allocate new homes to existing settlements).
- this development will add to the traffic burden on the A52 passing through the village of Brailsford, including its junction with Luke Lane which is already subject to congestion at peak times. A recent traffic report has identified that volumes of traffic on the A52, particularly of HGVs, is already in excess of that experienced on similar routes across the UK.
- Insufficient consideration has been given to local investment to support the village amenity and maintain the quality of life of residents.

As the application states the developer has held consultations locally, including with the Parish Council, and has recognised the need for investment over and above statutory requirement. Despite these discussions and assurances given, there are no indications of these investments in the outline planning application. We would ask that the Planning Authority takes account of residents’ thoughts on investment in community facilities when considering this application and in particular the following:

1. Community benefits. Reference should be made in this outline application for the need for a contribution to community benefits which will not be covered under the terms of any Section 106 agreement which deals only with the statutory bodies, more particularly for the repair and maintenance of the village institute and its refurbishment to provide additional space for indoor sports and recreational activity.

2. Neighbourhood plan. Reference should be made in the outline application for the compliance of the recommendations made in the emerging neighbourhood plan, more particularly policy D1 which addresses the design of new development at the reserved matters stage.

3. Specialist bungalows. Reference should be made in the outline application for the inclusion of specialist bungalows in the reserve matters application. This requirement was a major feature in the public consultations held in the preparation of the Neighbourhood Plan, and the DDDC officers subsequently concurred that this would be a key requirement in any future applications in Brailsford.

4. Mobility and Transport. While setting out statements about the importance of walking and cycling within the development this application does not address the essential issue of pedestrian access to the village amenities, the existence of which forms the core rationale for additional development in Brailsford according to the Draft Local Plan. All facilities including the GP surgery lie to the south of the busy A52. There is no crossing point for the A52 in the vicinity of the main access for the new development or on Luke Lane which may form the natural walking route. The Planning Authority and the Highway Authority should give consideration to this, the recommendations of the traffic report prepared for the Neighbourhood Plan and the statements set out in Neighbourhood Plan.

5. The Parish Council would also wish to see consideration given to the improvement of existing footpaths into the village from the main access and the introduction of new traffic calming measures as traffic enters the village from Commonside.
6. While the proposals for public open space are welcome, the Planning Authority should ensure that a management plan is put in place for the upkeep and maintenance of these areas.

7. The Parish Council would like an assurance that the developer will consider the planting of species native to the area in any landscape development, that street furniture will be kept to a minimum and that any ‘safety’ lighting applied is low level to minimise light pollution and retain the important element of dark skies which is a feature of Brailsford Parish.

8. From our discussions with CCG, the development would necessitate further investment in the GP surgery which has limited capability for further expansion. The Parish Council are seeking assurances from the Planning Authority that such negotiations will be undertaken and that confirmation is given that the surgery can accommodate this further development.

5.2 Derbyshire County Council (Highways):

Initial comments:

The Transport Statement for this application states that ‘the off-road section of the path will be connected to the primary school via a new footpath in the western verge on Luke Lane. In order to not impact upon the tree and hedgerow roots, a no-dig construction can be used. It is envisaged that this footpath will be 2m wide where achievable within the constraints of the highway boundary’. The highway margin available at this location does not appear to offer sufficient geometry to provide a footway link at these dimensions and the Highway Authority would not wish to see any reduction in existing carriageway width due to the number of HGV’s using Luke Lane. Whilst the principle of a link is welcomed the applicant should be requested to provide further details / information as to how the pedestrian link associated with their development will link to existing facilities within the village. Given access relates to vehicular and pedestrian forms, details should be submitted for approval at this stage to ensure satisfactory arrangements can in fact be delivered.

The Local Highway Authority advised in other respects that the reduced scale of the development and revised access arrangements would be acceptable.

Ahead of the committee meeting on the 9th May, the applicant prepared a drawing which showed a 2m wide footway in the verge forming part of the adopted highway from the new footpath link and the Local Highway Authority provided a list of conditions and advisory footnotes which were presented at the meeting.

Following the 9th May committee meeting, the applicant has prepared a technical note to address the reasons for deferral. This and further comments received from the Local Highway Authority are considered at paragraphs 7.19 - 7.22 of the officer appraisal section of this report.

5.3 Derbyshire County Council (Land Drainage)

Initial response:

It is noted from the supplied Flood Risk Assessment (FRA) that the intention of the applicant is to dispose of surface water generated by the impermeable areas to the combined sewer at the greenfield runoff rate for the corresponding rainfall event by the utilisation of a balancing pond.
The FRA demonstrates that infiltration is unlikely but if possible the higher areas of the site it will be utilised for this purpose.

The FRA proposes that the 1 in 100 year rainfall event will be retained within the site with the use of the attenuation pond however, no volume for the pond has been proposed, the plan makes it clear where the pond will be located but it is not clear if there is the available space. Until a volume is proposed to demonstrate there is available space on site to provide attenuation for the 1 in 100 year (plus an allowance for climate change) the County Council FRM team recommend a holding objection.

To overcome a holding objection a quick storage estimate should be provided.

Following receipt of the above comments the applicant advised that the storage volume would be between 330m$^3$ and 464m$^3$ and that there is sufficient space on site for the required attenuation based on an assessment of the impermeable area and taking into consideration climate change.

Second response:

Following receipt of the above storage calculations, the Land Drainage Authority have confirmed that the plans for the use of Sustainable Drainage Systems to dispose of surface water from the proposed development would be considered acceptable. Conditions and advisory footnote to secure the implementation and management of such a system are recommended.

5.4 Derbyshire County Council (Strategic Planning)

Request that the development be afforded access to high speed broadband services and £85,880.85 towards the provision of 6 secondary places and £37,255.80 towards 2 post 16 places at Queen Elizabeth’s Grammar School and £68,394.06 towards 6 primary school places at Brailsford CE Controlled Primary School.

The County Council advise that contributions towards secondary and post 16 schools places would be pooled towards project D – Extension to teaching accommodation at QEGS and 6 primary school places towards project A at Brailsford CE Controlled Primary School – Extension to teaching accommodation.

The County Council also advise that the following comments from the Local County Councillor have been received:

“I feel that Brailsford is being over developed and the village infrastructure is not capable of maintaining the amount of development and there is too much pressure being put on the highways”

5.5 Landscape Design Officer (Derbyshire Dales)

The site is allocated for residential development of up to 32 dwellings in the Local Plan (draft). There are, therefore, no objections in principle to the application.

5.6 Strategic Housing (Derbyshire Dales)

Advise that the local identified affordable housing need has been met through the delivery of affordable housing on other sites with planning permission or resolutions to grant permission and that they would accept an off-site affordable contribution in the form of a financial sum in this case.
5.7 **Southern Derbyshire CCG:**

Southern Derbyshire CCG have advised in respect of application 16/00567/OUT that the GP Practice that serves the area of the new housing development at land off Main Road does not have any spare capacity to manage increased patient demand. Based on anticipated patient numbers a contribution of £12172.80 would be sought towards a capital project (based on cost per sqm formula for new surgery projects) to accommodate the increase in patient numbers.

5.8 **Development Control Archaeologist (Derbyshire County Council):**

I have previously commented on 16/00567/OUT incorporating the current proposal site and the field to the west, noting that the site may be located at the western end of medieval croft land along the line of the Derby-Ashbourne Road. The applicant has subsequently undertaken geophysical survey of this wider site, which has not identified any archaeological targets within either area. The disturbed nature of the geophysical survey may suggest a masking effect, but in combination with the negative results on the neighbouring (Luke Lane) site I feel that this is sufficient to conclude that the site is of low potential. I therefore recommend that there is no need for further archaeological work on the site.

5.9 **Derbyshire Wildlife Trust (DWT)**

DWT have previously commented on this application (16/00567/OUT) and applications on the adjacent land (LA Ref: 13/00826/FUL; DWT ref: PlanCon324; LA Ref 17/00015/FUL Our Ref PlanCon439-1 and LA Ref: 16/00437/FUL; DWT ref PlanCon460). As previously discussed Great Crested Newts (GCN) are known to be present in the ponds which are within close proximity to this proposed application. This application has had a revised layout and has reduced the number of houses and the fields proposed for development. The revised layout proposes 1.8ha of building and hard standing and 0.75ha of green space throughout the proposed development – it is unclear what the green space to the north is proposed for and if the green space is enhancement for GCN.

With regards to the revised layout it would be welcomed for the layout plan to either include changes, modifications etc., as outlined below:

- Hedgerow on the western boundary has three gaps present – presumed from the previous plan. It would be preferred for the hedgerow to be remain intact, or where gaps are present to be gapped up.
- The footpath present in the application should provide enhancements such as hedgerow planting, native shrub planting etc to facilitate the movement of fauna.
- The eastern hedgerow to have a GCN protection zone – creating a 3m buffer between the hedgerow and fence of the gardens would facilitate the movement of GCN and other mammals.
- Proposed Drainage basin to the south – to be enhanced so GCN can use the proposed habitat.
- Green space to the north to include hibernacula which would complement the proposed pond to the east and retained pond to the south.

The effects on newt movement(s) is still considered a concern by the current proposed development layout. If corridors and enhancements as outlined above can be included and implemented across the site, it is considered that the proposals would reduce the impact to terrestrial GCN.
Taking the above into consideration and recognising that this is an outline application with only the point of access onto Main Road to be agreed, the following conditions are recommended.

- Prior to the commencement of any works which may affect great crested newts and/or their habitat, a detailed mitigation and monitoring strategy, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing.
- No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.
- A Landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The Plan should include details of how the management of the habitats will be implemented and funded.
- No development shall commence until a detailed lighting strategy has been submitted to and approved in writing by the LPA. Such approved measures will be implanted in full.
- The retained trees and hedgerows present on site should be protected throughout the duration of works and follow guidance BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations

5.10 Principal Environmental Health Officer:

Raise no objections to this application in principle. However, recommend that details of the noise mitigation measures to be put in place, as proposed by Wardell Armstrong in their noise assessment, are submitted when a final site layout has been confirmed.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 13 representations (two from the same individual) have been received, all objecting to the proposed development. The comments received can be summarised as follows:

**Principle**

- There are too many new houses being built in Brailsford.
- There should be no building on greenfields when it has been proven that there are more than enough brownfield sites to accommodate the number of houses that need to be built.
- This site is on prime agricultural land and is greenfield.
- With other developments having been given consent in the past 2 years this will mean our village has doubled in size - contrary to the residents wishes and makes the consultation process derisory.
- Is there really a need to build on greenfield sites, that must be preserved for future generations to enjoy?
- There are large parcels of alternative land outside Brailsford that can accept and facilitate housing development much more appropriately.

**Sustainability of location**
• There are few jobs available in Brailsford and few shops in the area.

**Impact on the local landscape / character and appearance of the surrounding area**

• I disagree with the further expansion of the village in a westerly direction into open countryside and across green fields. There is a limit to the number of new houses Brailsford can sustain and the proposed plans are unimaginative and urban in their design.
• More houses on a greenfield site in this area is inappropriate to the character of the village.
• The quantity and style of building is out of keeping with the village character, and is at odds with the Neighbourhood Plan, which is now complete and should henceforth be given weight in these deliberations.
• Small, limited clusters of character housing is appropriate in a village environment, not vast swathes of soulless brick boxes i.e. suburban housing.
• Brailsford has already been spoilt by the new Miller homes.
• It will back on to or amalgamate with newly built neighbouring urban estates to create a high density estate style development unsympathetic to the village as a whole.
• The design is obtrusive and inappropriate being essentially a linear street with no regard to the Design Guidance set out in the Neighbourhood Plan currently lodged with DDDC.
• The development is obtrusive across the horizon spoiling the Dales Character and so is contrary to the objectives of the Local plan- especially when viewed from the Saxon Church.
• The proposed development style and housing type is contrary to the Brailsford Neighbourhood Plan and is not in keeping or in sympathy with the Historic Village of Brailsford.
• The density of the site is in excess of design guidelines and not in keeping with the accepted figure of 25 dwellings per Hectare in a rural setting. The Neighbourhood Plan sets a preference for smaller groupings of dwellings more consistent with a village environment.
• The site is adjacent to the already agreed, planned/currently in development large estate of 84 houses (Miller homes). In a village that had just over 200 houses in total, this site would result in a combined, mass of new housing development of 119 houses in one area of the village. The combined impact and size is disproportionate to a small, rural village. It is out of scale and context for a village and would constitute unwarranted size of development in the countryside and intrinsically harmful to the character, integrity and appearance of the setting.

**Housing Mix**

• The houses built recently are mainly executive types.
• Nowhere is there mention of Specialists Bungalows. There is an identified need for bungalows by DDDC given the demographic profile.

**Ecology**

• The loss of our natural wildlife must be taken into consideration.
• No protected species survey has been provided with this application.
• Where is the newt survey?
• The development will result in the loss of a greenfield site and habitat.
Highway safety

- The A52 was built in the horse and cart era and it is not wide enough for the huge lorries, which use it now. There is little scope in the village for it to be widened.
- The proposal takes no account of the already overused A52.
- The development would add 50 cars to an already swamped system.
- I am concerned about the increased level of traffic on to the A52 and the impossibility of improving pedestrian access on the footpath into the village. If dependency on cars is to be reduced in the future, there must be a more concerted effort to provide safe footpaths. The developers state that they will widen the existing footpath, but there are property boundaries which will make this impossible.
- The development will also create serious traffic problems on the A52 as traffic accesses a very busy section of the road - heavily used by HGVs.
- The traffic on the A52 is at capacity at peak times as a result of new developments in Ashbourne, Mickleover and Derby.
- The pavements are too narrow for the existing number of high school children to wait at 8am on the narrow pavements of the A52.
- We need a separate lane for left/right turn at the Luke Lane junction.
- We already have 50 new developments on Luke Lane and more planned for the old Dairy yard, the amount of traffic from these will be immense.
- Brailsford has been proven to have 30% higher HGV traffic than the national average and this new development will add to the already high traffic congestion that happens.
- The pedestrian infrastructure is unsuitable to safely support this development and it is not possible to improve it due to the road width and the narrow pavements. There have already been accidents where pedestrians have been hit by HGV wing mirrors. Providing suitable housing encouraging young families to the development will mean pushchairs and prams. This will be very dangerous for pedestrians trying to pass on the pavement.
- There is no pathway down to the school. The exit point is on a very busy bend in the road. This is an extremely dangerous proposal adding to the already poor situation for access for parking for the school.
- Already the traffic has increased markedly on both the A52 & Luke Lane and we desperately need a crossing to access the village facilities which are all on the south side, apart from the new school.
- Life is becoming increasingly difficult for the old folk & those with prams. HGVs speed round the corner & down the hill towards the chapel so you have to be able to cross quickly to safely access the doctor's surgery - going by car is very difficult because of lack of parking.
- We are concerned about the loss of more greenfields, drainage & the narrowness of pavements for pedestrians.
- The developer proposes that the footpath alongside the A52 Main Road will widened to 2m where the highway allows, it is evident from the plans that there are areas where this is not possible and the footpath will therefore be dangerous.
- The application fails to demonstrate adequate or safe access or pedestrian infrastructure.
- This site must not be developed unless a safe pedestrian access to the village can be provided for a mother with a push chair and a child in hand.

Impact on local infrastructure

- The school is already oversubscribed and there is no parking.
- The medical facilities and schooling cannot accommodate this scale of housing on top of the recent developments in the village.
• There is an absence of local community contribution - a sum per unit should be sought for public realm/amenity in Brailsford.

• The village infrastructure and amenities have not changed at all apart from the new school being built.

• Amenities, infrastructure and all that is needed to support such enormous growth are not present. The village cannot support yet more housing numbers as proposed in this development.

**Drainage**

• The drainage is inadequate, it appears that the assessment of the increased capacity required is only calculated for each individual development rather than the combined effect of all proposed developments that have now been granted permission. The drainage is already overwhelmed on occasions and this is well documented and photographed with submissions made on previous planning applications.

• The ancillary drains are only 150mm and the main drains 300mm which together are expected to carry combined flows of foul water and surface water from 250 existing houses and 201 new properties. No mention in the application is made of the significant additional effect of surface water entering the system from this development. Whilst not obvious, the combined flows from this and other sites such as the so called Richborough site are going to cause flooding and blocked sewers in the locality of The Plain and the Main Road. So there can be no doubt of major improvements being required in Brailsford and very stringent conditions must be attached to any outline planning permission if granted.

• There is insufficient drainage capacity and lack of sufficient evidence that there the combined developments impact have been looked at adequately.

• The drainage has been shown time and again to be inadequate - surveys are being done individually, rather than looking at the combined and cumulative effect of all proposed developments.

**Other matters**

• The naming of the streets should be locally relevant - On the Miller estate the first street is called "Thorntree" - the correct name is Hawthorn. This detail is important in an historic village community like Brailsford.

• The report under Annex 1 from RPS on behalf of Utility Law Solutions refers to 120 dwellings on this greenfield site. This report is not from Severn Trent the Statutory Undertaker as claimed and does not refer to 32 houses, but shows this developers long term strategy which is absolutely unacceptable

7.0 OFFICER APPRAISAL

7.0 This application was deferred at planning committee by members on the 9th May 2017 for clarification on a number of matters relating to highway safety. In particular, members sought clarification on the following:

(i) The width of the pedestrian footway along the A52;
(ii) The assessment undertaken to determine the optimal location and form of the proposed pedestrian crossing over the A52, and
(iii) The range of measures to improve highway safety considered

Following deferral of the application, the applicant has prepared a technical note which addresses the above matters. Further comments from the Local Highway Authority have also been received which are considered at paragraphs 7.19 - 7.22 of this report.
Planning policy context

7.1 Although an application for a development of up to 75 houses on a larger area, including the application site and the adjoining field to the west has been previously considered by the Local Planning Authority, this application concerns a different development on a reduced area of land and needs to be considered on its merits.

7.2 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.

7.3 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). The National Planning Policy Framework Framework (NPPF) was published in March 2012. Whilst the Framework 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.

7.4 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. Such policies are therefore considered to be out of date for the purposes of NPPF paragraph 49. 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.

7.5 The Deposit Draft Derbyshire Dales Local Plan is reaching an advanced stage in the plan making process, in that the main modifications have now been published following consideration of the matters set out by the appointed Inspector at the EiP. As consultation on these modifications have not yet been carried out, full weight cannot be afforded to policies within the plan at this time. The appointed inspector has not, however, requested that the District Council carry out a further search for housing land and policies in the plan make appropriate provision for the delivery of housing to meet the Districts objectively assessed housing needs up to 2033.

7.6 A Neighbourhood Plan prepared by the Parish Council is at an early stage in its preparation and still has rounds of formal consultation to pass through before adoption and can be afforded minimal weight.

7.7 The site is allocated in the deposit draft local plan for up to 32 dwellings.

7.8 Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and consultation and public comment responses received the main issues to assess are:

- the appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- the impact of the development on settlement pattern and the local landscape;
- the local environment, including hedgerows, trees and ecology;
- highway safety;
- the level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure, and;
• the loss of agricultural land.

The appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities

7.9 To underpin the policies in the Deposit Draft Derbyshire Dales Local Plan an appraisal of the relative sustainability of each of the main settlements across the plan area was undertaken to inform the settlement hierarchy and development strategy in the plan. The Settlement Hierarchy provides the means to categorise the various settlements to recognise their different roles and functions, grouping together those settlements that have similar characteristics. The assessment concludes that at the top of the hierarchy are the main market towns which play a key role within the District providing a range of services and facilities and employment opportunities. However, as these towns are not able to accommodate all of the required housing development, an assessment of the smaller settlements and their relative sustainability and suitability to accommodate development has been undertaken. The assessment concludes that Brailsford, as a larger village within the plan area should be considered an ‘Accessible Settlement with Limited Facilities’. Villages in this category 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. It is expected, however, that development will come forward at reduced levels in comparison to high order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes.

7.10 The site to which this application refers has been allocated for residential development within the Deposit Draft Derbyshire Dales Local under policy HC2(e) for 32 dwellings.

7.11 Brailsford scores relatively highly in the Settlement Hierarchy Assessment carried out by Derbyshire Dales District Council. Few employment opportunities (a point raised by local residents) in the village and its proximity to employment centres results in a low economic score. The village, however, attracts a high social score due to the range of services available to its residents. Residents currently have access to a community hall, convenience store, GP surgery, pharmacy, primary school, post office, public house and a regular bus service that operates between 8am and 6pm 7 days a week between Derby and Ashbourne. The village is also an 11 minute drive from Ashbourne, a main market town within the Derbyshire Dales District. Whilst the settlement is considered to be a relatively sustainable location for new housing insofar as access to basic services and facilities is concerned and is less constrained environmentally than other tier 3 settlements, it is expected that the scale of any housing growth in the village will be provided at a reduced level in comparison to higher order settlements which benefit from a wider range of services and facilities and far greater employment opportunities. Including the allocation of the application site for 32 units, a total of 114 dwellings are allocated at Brailsford in the emerging local plan. In addition to the 50 dwellings constructed off Luke Lane, other housing developments that have come forward in the emerging plan period and extant permissions this equates to over 65% growth in population within the main built up part of the village and a little over 35% growth in population within the wider parish. This is considered to be an acceptable level, albeit at the upper limit, of growth bearing in mind the position of Brailsford within the settlement hierarchy and services and facilities and limited employment opportunities available.

The impact of the development on settlement pattern, the character and appearance of the surrounding area and the local landscape

7.12 The site was considered with the adjacent field to the west as part of the Strategic Housing and Employment Land Availability Assessment (SHELAA). The assessment concluded that due to the high sensitivity of the landscape to housing that there was only capacity for residential development to the east, on the application site where it was better related to
existing built development and where the impacts on character and amenity would be minimised.

7.13 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) seeks to protect the character of local landscapes. Planning Inspectors have, however, in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection.

7.14 One of the core planning principles at paragraph 17 of the NPPF is that planning should recognise the intrinsic character and beauty of the countryside. The close association of the site with the settlement and ability to contain the development behind the established tree and hedgerow belt, which could be further strengthened is such that the development would not result in significant and demonstrable harm to the character and appearance of this part of the landscape and would satisfy the relevant provisions of the development plan and national guidance.

7.15 Dealing with matters of design, 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. Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005) aligns with this guidance.

7.16 Although comments relating to the layout and design of the development have been made by the general public, the layout, scale and appearance of the development is not a matter for consideration in respect of this application, which seeks to secure the principle of development and means of access to the site. Officers are satisfied that the amount of development can be accommodated on the site without resulting in significant and demonstrable harm to the character and appearance of its immediate surroundings. Although concerns relating to the density of development have been raised, 27 dwellings per hectare is considered appropriate having regard to the sites village fringe context / location.

Impact on the local environment, including hedgerows, trees and ecology

7.17 An important issue to consider in respect of this application is the impact of the development on landscape features, such as trees and hedgerows and ecology. Policies NBE6 and NBE7 of the Adopted Derbyshire Dales Local Plan seek to protect trees and woodlands and features that are important in the landscape.

7.18 The indicative masterplan shows existing perimeter trees and hedgerows retained where possible and supplementary planting of new woodland. A gap in the roadside hedge will need to be formed to accommodate the new access and four Ash trees of limited amenity value in the verge to the north of the school to accommodate a new footway. The provision of additional tree and hedgerow planting would, however, compensate for the loss of these features. Subject to conditions to secure a detailed mitigation and monitoring strategy in relation to great crested newts, protection of nesting birds, a Landscape and Ecological Management Plan (LEMP) for all retained and created habitats on the site, a lighting strategy and the protection of retained trees Derbyshire Wildlife Trust are satisfied that protected species would be appropriately safeguarded and that the development would not
result in significant ecological disbenefits, such that a recommendation of refusal could be sustained on this basis.

Highway safety

7.19 Representations received from the public point to problems of traffic particularly at the Luke Lane road junction and the dangers of having to cross a busy road to access the majority of the village services and facilities. Based on the scale of the development the Local Highway Authority considered the proposed access arrangements to be acceptable in their original consultation response.

7.20 The applicant proposes crossing points close to The Green road junction and a new pedestrian access link to the north of the school on the back of the development to improve pedestrian access from the site to the main village services and facilities. The applicant has also confirmed that a new footway within the adopted highway verge along Luke Lane can be formed to the school.

7.21 Following member consideration at committee on the 9th May 2017, the applicant has submitted a technical note to address the reasons for deferral, in which the following comments are made:

(i) Width of pedestrian footway

The existing overgrowing vegetation along the northern side of Main Road will be cut-back/removed. This is the responsibility of the Local Highway Authority however it will be undertaken during the works to widen the footway. A minimum footway width of 1.6m will be achieved over a short section with up to 2m provided along the majority of its length between the site and Luke Lane. A drawing which illustrates this widening is appended to the technical note.

(ii) The assessment undertaken to determine the optimal location and form of the proposed pedestrian crossing

The uncontrolled crossing over Main Road in the vicinity of The Green was originally suggested by Derbyshire County Council Highways with the authority having some input in terms of its location, which itself was confirmed to be safe following the results of a speed survey. The requisite stopping sight distances for the observed speeds are achievable in both the horizontal and vertical planes as proven in the technical drawings in the Transport Statement.

An uncontrolled crossing is the most suitable form of crossing when considering the likely footfall generated by the site and particularly that to/from Brailsford Medical Centre. The peak footfall periods will be outside of the traffic peak hours. Crossing without the aid of a signal controlled crossing should be relatively easy and safe particularly as traffic generally platoons through the village meaning that there are regular gaps in the traffic to allow the likely small number of pedestrians to cross. There are likely to be less than one return pedestrian trips to/from the Medical Centre each weekday.

Provision of a signal controlled crossing at this location would be an overprovision for the likely pedestrian crossing demand.

The relocation of the existing signal controlled crossing further west would inconvenience access to the amenities in the village centre.

(iii) The range of measures to improve highway safety considered
It has been demonstrated based on the recorded speeds, that the existing gateway/traffic calming features on the western approach to Brailsford are effective with the recorded speeds at the uncontrolled crossing point in line with the signed speed limit. Additional traffic calming features are therefore not required, however the applicant is willing to relocate the existing vehicle activated speed limit sign at the proposed site access further north-west to a location to be agreed with DCC. It is important to note that the development of the site and the footway widening will naturally encourage slower speeds, as will the reinstatement of the staggered junction warning sign, currently damaged and hidden by vegetation, and the improved visibility towards the wild animals warning sign currently obscured from view by the vehicle activated sign.

A Stage 1 Road Safety Audit has been undertaken by an independent and qualified specialist. Two of the three ‘problems’ identified will be solved by the cutting-back/removal of vegetation overhanging the public highway while the third, related to street furniture, can be solved by the relocation of the vehicle activated sign.

7.22 The Local Highway Authority are satisfied that the Road Safety Audit has been carried out in accordance with the appropriate technical criteria and that the mitigation measures proposed by the applicant are reasonable and proportionate, based on the additional pedestrian demands/activity associated with the development.

7.23 Taking the above into consideration the Local Highway Authority have advised that they are not in a position to justify further improvements, beyond what is currently proposed, based on likely activity levels and maintain that the development would be acceptable in highway safety terms subject to conditions.

*The level, nature and weight to be attributed to any developer contributions and impact on existing infrastructure*

7.24 From the consultation responses received it can be seen that there is no longer capacity within the new primary school to accommodate the anticipated number of pupils that the proposed development would be likely to generate. A financial contribution towards a fully costed project to deliver additional school places at the primary school and the nearest secondary school would therefore be required on the back of the development, for it to be acceptable in planning terms. Southern Derbyshire CCG have previously advised that there is no spare capacity at the local GP practice. A contribution towards a capital project (based on cost per sq. m formula for new surgery projects) of £12,172.80 would be required to accommodate the anticipated increase in patient numbers. Whilst no specific infrastructure project has been identified by the CCG the applicant has agreed verbally to pay the amount specified. Provided the CCG are able to identify an appropriate capital project before monies are released it is considered reasonable to include funding of health provision in any legal agreement. Although reference is made in the representations received to the lack of a community contribution, without any evidence that such a contribution would be necessary to make the development acceptable in planning terms, directly related to the development and reasonably related in scale and kind it is not considered that such a contribution can be sought.

7.25 The application proposes that 30% of the new dwellings on site are delivered as affordable units. The District Councils housing section have advised, however, that the local affordable housing need in the area has been met through the delivery of housing on other sites which have been granted permission or pending consideration and that they would accept an off-site affordable contribution in this case. Although committed to providing the affordable units on site the applicant has agreed verbally to make an off-site affordable housing contribution of up to £244,320 (32 x 0.3 x £25,450) in the event that RSL could not be found to take on the affordable units (which would need to be agreed with the Local Planning Authority). This approach is considered to be acceptable and the level of
affordable housing to be provided would satisfy the requirements of Policy HC4 of the Deposit Draft Derbyshire Dales Local Plan (bearing in mind the scale of the site and need to make other developer contributions inc. a contribution towards new primary school places) in this case.

*The loss of agricultural land*

7.26 An agricultural land and soil assessment has been carried out as part of this application, which classifies the land as Grade 3a - ‘good quality agricultural land’ which is capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of a wide range of crops including cereals, grass, oilseed rape, potatoes, sugar beet and the less demanding horticultural crops.

7.27 Where more demanding crops are grown yields are generally lower or more variable than on land in Grades 1 and 2. The extent of good quality agricultural land that would be lost in this case is a dis-benefit of the development which will need to be weighed in the planning balance.

*Other matters*

7.28 Concerns have been raised with regard to surface water drainage and flooding. The Land Drainage Authority are, however, satisfied that an appropriate surface water drainage feature could be provided on the site to accommodate the level of development proposed, which takes account of climate change.

7.29 Noise during construction and from traffic along the A52 is not considered a significant constraint to development in this case. The applicant has demonstrated that the development is unlikely to adversely impact on below ground archaeology and there are no nearby listed buildings that would be adversely affected by the proposed development. The location of the site relative to Brailsford Conservation Area and intervening vegetation of buildings is such that any development would be unlikely to affect its setting and, as such, there is no impact on the significance of this heritage asset. The nature and mix of housing is not a matter to be agreed as part of this application.

*The planning balance*

7.30 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.

7.31 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. As the land allocation in the Deposit Draft Local Plan for 32 dwellings can only be attributed moderate weight at this time, it important to weigh the social, economic and environmental benefits and disbenefits of the scheme against one another in reaching a balanced judgement on the sustainability of the scheme.

7.32 In this case the social dimension would be served by the delivery of new homes which would contribute towards meeting the District Councils objectively assessed housing needs and the delivery of affordable housing on site, or in the form of an off-site financial contribution toward an affordable housing project in the Derbyshire Dales District. Although the new housing would put a strain on the local GP practice and the village primary nearest secondary schools, this would be offset by monies towards projects to extend these facilities to increase capacity.
7.33 The economic dimension would be served by employment generated during construction, which can be said of any new development, and the benefit to businesses within the village from additional resident spend.

7.34 In environmental terms, whilst the development would result in the loss of good quality agricultural land, a disbenefit of the proposal, the scale of development proposed can be accommodated on the site without substantial harm to the local landscape and character and appearance of the surrounding area and, subject to the imposition of the conditions recommended by Derbyshire Wildlife Trust and appropriate landscaping has the potential to bring with it habitat enhancements which would benefit wildlife. A safe means of access onto the A52 can be achieved and surface water appropriately disposed of.

7.31 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF it is not considered that the harm would significantly and demonstrably outweigh the benefits in this case and the proposal should be approved subject to a legal agreement to secure the necessary developer contributions and conditions on this basis.

8.0 OFFICER RECOMMENDATION:

8.1. That, subject to:-

The applicant entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to secure:

- £2500 towards the monitoring of a travel plan;
- £85,880.85 towards extending the teaching accommodation to facilitate 6 additional secondary places at Queen Elizabeth’s Grammar School;
- £37,255.80 towards extending the teaching accommodation to facilitate 2 additional post 16 places at Queen Elizabeth’s Grammar School;
- £68,394.06 towards extending the teaching accommodation to facilitate 6 primary school places at Brailsford CE Controlled Primary School;
- £12,172.80 towards a capital project to accommodate additional patient numbers at the local GP practice, and;
- The delivery of 30% of the units as affordable units on site or an offsite financial contribution of $ A \times 0.3 \times £25,450$ (where $A$ represents the total number of new homes to be delivered on site).

Outline planning permission be granted subject to the following conditions and advisory footnotes and conditions and advisory footnotes recommended by the Local Highway Authority to be presented to members at the committee meeting:

1. An application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

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) access insofar as details of the internal road layout and new pedestrian routes, and;
e) the landscaping of the site.

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

3. No machinery shall be operated on the site, no process or operations shall be carried out
and no deliveries shall be taken at or despatched from the site except between 8:00 and
18:00 hours Monday to Friday and 9:00 and 13:00 on Saturdays or at any time on
Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning
Authority.

4. Any reserved matters application should follow the general layout, scale and landscaping
parameters set out in Development Framework Plan numbered 7062-L-10 Rev B. In
particular, the reserved matters of layout and landscaping shall provide for undeveloped
areas of green infrastructure and the retention of all boundary hedgerows and trees
(excluding the hedgerow and trees which need to be removed to accommodate the site
access and new pedestrian infrastructure).

5. Prior to the commencement of development, a detailed mitigation and monitoring
strategy in relation to Great Crested Newts shall be submitted to and approved in writing
by the Local Planning Authority. All works should then proceed in accordance with the
approved strategy with any amendments agreed in writing.

6. No removal of vegetation that may be used by breeding birds shall take place between
1st March and 31st August inclusive, unless a recent survey has been undertaken by a
competent ecologist to assess the nesting bird activity on site during this period, and
details of measures to protect the nesting bird interest on the site, have first been
submitted to and approved in writing by the Local Planning Authority and then
implemented as approved.

7. Prior to the commencement of development a landscape and ecological management
plan (LEMP) detailing long-term design objectives for nature conservation, management
responsibilities and maintenance schedules for all landscape areas which are not in the
ownership of individual properties to be approved in writing by the Local Planning
Authority. The plan should include the following:

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

The plan should 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 and where the results from monitoring
show that conservation aims and objectives of the plan 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 shall therefore be carried out in accordance with the approved details.

8. No development shall commence on site until a detailed lighting strategy for the approved development has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall thereafter be carried out in accordance with the approved details.

9. Unless an affordable housing contribution is made in the form of an off-site financial contribution equivalent to 30% of the total provision, affordable housing shall be provided on site in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces and include:

   a) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
   b) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
   c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
   d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

10. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

   i) a timetable for its implementation; and
   ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

   i. Parking of vehicles for site operatives and visitors,
   ii. storage of plant and materials and site accommodation,
   iii. routes for construction traffic,
   iv. method of prevention of mud / debris being carried onto the public highway,
   v. proposed temporary traffic management / restrictions,
   vi. arrangements for loading / unloading and turning vehicles within the site,
   vii. site access arrangements and roadside fencing / hoarding.

12. As part of any subsequent reserved matters application detailed designs of the layout, dimensions, construction and lighting of the pedestrian footpath between the application site and the new school on Luke Lane (including links to existing pedestrian facilities), generally as identified on drawing No P16111-004A – Luke Lane Pedestrian Connection, shall be submitted to and approved in writing by the Local Planning Authority.
13. The works approved under the above condition shall be laid out and constructed in accordance with the approved details prior to occupation of any dwelling, the subject of the application, or other such timescale as may be agreed with the Local Planning Authority.

14. As part of any subsequent reserved matters application detailed designs for the upgrade / relocation / improvement to the existing bus stops on the A52, in the vicinity of the site, shall be submitted to and approved in writing by the Local Planning Authority.

15. The works approved under the above condition shall be laid out and constructed in accordance with the approved details prior to occupation of any dwelling, the subject of the application, or other such timescale as may be agreed with the Local Planning Authority.

16. Before any other operations are commenced the permanent access to Main Road shall be laid out in accordance with drawing number P16111-001 - Proposed Site Access Arrangement and Pedestrian Improvements, (contained in the Transport Statement, dated January 2017). No other development shall be carried out until the first 15m of the access road has been constructed to at least binder course level, and a timetable for the full completion of these works has been submitted to the local planning authority and approved in writing. These approved works shall thereafter be completed in accordance with the timetable thus approved.

17. No development, other than works required for the construction of the site access under the above condition, shall be commenced until the site access has been provided with visibility sightlines in each direction in accordance with those identified on drawing number P16111-001 - Proposed Site Access Arrangement and Pedestrian Improvements, (contained in the Transport Statement, dated January 2017). Thereafter, clear visibility shall be maintained within these splay areas, above a height of 600mm from ground level, the area in advance of the sightlines also forming part of the estate street and not part of any plot or other sub-division of the site.

18. As part of any subsequent reserved matters application, detailed designs for the internal site layout shall be submitted to the Local Planning Authority, to include details of all necessary on-site highway infrastructure, including access roads, turning areas, footways, street lighting and highway drainage, together with a timetable for the implementation of these works. No dwelling shall be occupied until the highway infrastructure serving that unit has been provided, in accordance with the approved details, and the relevant roads and footways finished to at least binder course level between the dwelling and the public highway. These works shall thereafter be fully completed in accordance with the approved timetable.

19. Prior to occupation of any dwelling, the subject of the application, the pedestrian improvements between the site access and The Green (widened to 2m or width maximised within the constraints of the existing highway boundary), as identified in the Transport Statement, shall be laid out, and constructed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

20. No gates, including any part of their opening arc shall be permitted to open out over public highway limits. Any gates should therefore be set back an appropriate distance from the carriageway edge or be physically prevented from opening over the adjoining highway.

21. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall...
be undertaken and completed prior to the first use of the access and retained as such thereafter.

22. The Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Travel Plan shall include for a travel plan coordinator, who shall be in place until 5 years after completion of the development. The measures set out in the approved plan and any approved modifications shall be implemented in full thereafter. The approved plan shall be audited, updated and submitted for the approval of the Local Planning Authority at intervals no longer than 12 months, starting from the date of first occupation, for a period of at least 5 years.

Reasons:

1. Reason ST01a.

2. Reason ST03a.

3. In the interests of preserving the amenities of the occupants of nearby residential properties in accordance with the aims of Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

4-8. To safeguard any protected species which may be using the site and/or to secure biodiversity enhancements and a satisfactory landscaped setting in accordance with Policies NBE5, SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

9. To secure the appropriate provision of affordable housing in accordance with emerging local plan policies and guidance contained within the National Planning Policy Framework and the aims of Policies contained within the Derbyshire Dales Pre-submission Draft Local Plan.

10. 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 in accordance with guidance contained within the National Planning Policy Framework (2012).

11-22. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the application to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

2. A number of the above conditions of the Approval are condition precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.
3. 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 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.

4. The applicant is advised that 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. 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.

5. To discharge condition 10 the applicant is advised that the detailed drainage design should include information regarding its construction and the measures to be taken to reduce the risk of flooding off site during this phase. A future maintenance plan for the sustainable drainage system should be provided along with the details of the body who will provide the maintenance including details of the arrangement to ensure maintenance for the lifetime of the development.

6. 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.

7. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

8. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website [http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/)
9. 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 normally takes the form of a cash deposit equal to the calculated construction costs of the street 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.

10. 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 and the works being covered by the appropriate legal Agreement. 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 the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

11. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).

12. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

13. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers’ works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

14. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet greenfield runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.

15. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated ..............
This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan numbered 7062-L-11;
Development Framework Plan numbered 7062-L-10 Rev B;
Planning Statement by Gladman;
Design and Access Statement by Gladman
Ecological Appraisal by FPCR;
Landscape and Visual Appraisal by FPCR;
Arboricultural Assessment by FPCR;
Ecological Appraisal by FPCR;
Transport Statement by Prime Transport Planning;
Proposed Site Access arrangement and Pedestrian Improvements Plan numbered P16111-001;
which shows the widening of the footway between the site access and Luke Lane and new pedestrian crossing facilities close to The Green Road junction;
Travel Plan Framework by Prime Transport Planning;
Phase 1 Site Geoenvironmental Assessment by Lees Roxburgh;
Flood Risk Assessment by Lees Roxburgh;
Foul Drainage Analysis Report by Utility Law Solutions;
Noise Assessment Report by Wardell Armstrong;
Air Quality Screening Assessment by Wardell Armstrong;
Statement of Community Involvement by Gladman;
Soil Resource and Agricultural Use and Quality Report by Land Research Associates, and;
Archaeological Desk Based Assessment by CgMs received by the District Council on the 16\textsuperscript{th} January 2017, and;
Luke Lane Pedestrian Connection and Tree Protection Plans numbered P16111-004A, and;
7062-A-03 received by the District Council on the 20\textsuperscript{th} April 2017, and;
Technical Note by Prime Transport Planning dated 26\textsuperscript{th} May 2017.
<table>
<thead>
<tr>
<th>Location</th>
<th>Case Number</th>
<th>Description</th>
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<tr>
<td><strong>Ashbourne North</strong></td>
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<tr>
<td></td>
<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>
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<tr>
<td></td>
<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></td>
<td>Notice Issued</td>
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<td></td>
<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>
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<tr>
<td></td>
<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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<td><strong>Ashbourne South</strong></td>
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<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>
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<td></td>
<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>
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<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>
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<tr>
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<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>
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<td><strong>Brailsford</strong></td>
<td>ENF/17/00050</td>
<td>Unauthorised change of use of domestic garage to use for commercial dog grooming parlour.</td>
<td>The Spruces Main Road Brailsford Derbyshire DE6 3DA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00058</td>
<td>Unauthorised erection of replacement fencing around boundary of South Lodge</td>
<td>South Lodge Long Lane Longford Derbyshire DE6 3DS</td>
<td>Pending Consideration</td>
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<td>Long Lane, Longford, Derbyshire.</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>
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<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock</td>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
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<td>Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
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<td>ENF/17/00041</td>
<td>Unauthorised change of use of land for the stationing of a static caravan for</td>
<td>Barn At Arm Lees Farm Ryder Point Road Wirksworth Derbyshire</td>
<td>Pending Consideration</td>
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<td></td>
<td>the purpose of human habitation</td>
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<tr>
<td>ENF/17/00052</td>
<td>Unauthorised engineering works to install septic tank on land at the Manor</td>
<td>Manor House Church Street Brassington Derbyshire DE4 4HJ</td>
<td>Pending Consideration</td>
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<td>House, Church St, Brassington, Derbyshire.</td>
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<td>ENF/17/00013</td>
<td>Unauthorised change of use of land from agricultural to domestic curtilage,</td>
<td>Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Pending Consideration</td>
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<td>and engineering works to create new access drive/parking area to dwelling.</td>
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<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
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<td>at Dale Road North Darley Dale.</td>
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<tr>
<td>ENF/17/00016</td>
<td>Breach of pre commencement conditions on planning permission 15/00718/FUL</td>
<td>Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</td>
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<td></td>
<td>Demolition of existing dwelling and barn and erection of replacement dwelling</td>
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<td></td>
<td>and swimming pool building.</td>
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<tr>
<td>ENF/17/00047</td>
<td>Unauthorised engineering/earthwork operations on the Western boundary of</td>
<td>Denacre House Denacre Lane Two Dales Derbyshire DE4 2FL</td>
<td>Pending Consideration</td>
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<td>Denacre House and the building of a retaining wall between Denacre House and</td>
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<td>the road.</td>
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<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>
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**Carsington Water**

**Clifton And Bradley**

**Darley Dale**

**Dovedale And Parwich**
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<th>Reference</th>
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<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>Pending Consideration</td>
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<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>
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<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>
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<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>
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<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
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<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
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<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
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<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
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<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence.</td>
<td>2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ.</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall.</td>
<td>UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of “carving” building.</td>
<td>1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00022</td>
<td>Erection of two wooden sheds.</td>
<td>The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA</td>
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ENF/17/00028  Engineering operations to extend a car parking area.  Rock View Temple Walk Matlock Bath Derbyshire DE4 3PG  Pending Consideration

ENF/17/00039  Unauthorised installation of a new illuminated fascia sign on a Listed Building  136 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration

ENF/17/00040  Change of use of premises from a retail sweet shop to a cafe selling hot food.  Pending Consideration

ENF/17/00061  Unauthorised works to a Listed Building  RIVA Rose Cottage 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS  Pending Consideration

Matlock All Saints

ENF/14/00006  Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness  5 Olde Englishe Road Matlock Derbyshire DE4 3RR  Notice Issued

ENF/15/00030  Unauthorised "PELI" advertisement  Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT  Notice Issued

ENF/16/00014  Unauthorised fencing/decking to the side and rear with associated engineering operations.  38 Megdale Matlock Derbyshire DE4 3JW  Pending Consideration

ENF/16/00101  Unauthorised erection of sheds, chicken enclosures and a "shepherds hut".  High Croft Salters Lane Matlock Derbyshire DE4 2PA  Pending Consideration

ENF/17/00034  Demolition of dwelling.  The Lawns Cavendish Road Matlock Derbyshire DE4 3GZ  Pending Consideration

ENF/17/00043  Engineering operations to create a raised patio area.  161 Smedley Street Matlock Derbyshire DE4 3JG  Pending Consideration

Matlock St Giles

ENF/13/00084  Unauthorised erection of workshop  Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY  Notice Issued

ENF/16/00046  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  Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX  Pending Consideration

ENF/16/00053  Unauthorised access off Riber Road.  Brookdale Riber Road Lea Derbyshire DE4 5JQ  Notice Issued

ENF/16/00056  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.  72 Starkholmes Road Matlock Derbyshire DE4 3DD  Pending Consideration
<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Type of Incident</th>
<th>Details</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<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>
<td></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>Pending Consideration</td>
<td></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>
<td></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>Pending Consideration</td>
<td></td>
</tr>
</tbody>
</table>

**Norbury**

<table>
<thead>
<tr>
<th>Case Reference</th>
<th>Type of Incident</th>
<th>Details</th>
<th>Address</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/11/00091</td>
<td>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</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
<td></td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
<td></td>
</tr>
<tr>
<td>ENF/16/00068</td>
<td>Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston.10/00580/FUL - condition 9 &quot;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&quot;.</td>
<td>Land To The South Of West View Shields Lane Roston Derbyshire</td>
<td>Pending Consideration</td>
<td></td>
</tr>
<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>Pending Consideration</td>
<td></td>
</tr>
<tr>
<td>ENF/17/00029</td>
<td>Unauthorised building works, in the burial grounds at the former Methodist Church, Somersal Herbert, to facilitate a kitchen area/summerhouse and tractor shed</td>
<td>WELLIES HQ, Chapel O The Hill Somersal Herbert Derbyshire DE6 5PE</td>
<td>Notice Issued</td>
<td></td>
</tr>
<tr>
<td>ENF/17/00056</td>
<td>Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire</td>
<td>Old House Farm Can Alley Roston Derbyshire DE6 2EF</td>
<td>DC Application Submitted</td>
<td></td>
</tr>
</tbody>
</table>

112
### Winster And South Darley

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

### Wirksworth

| ENF/15/00068 | 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. | Peak View Caravan Site Brassington Lane Wirksworth Derbyshire | Notice Issued |
| ENF/16/00079 | Erection of timber fence over 1 metre in height adjacent a highway. | 20 Willowbath Lane Wirksworth Derbyshire DE4 4AY | Pending Consideration |
| ENF/17/00002 | Unauthorised engineering operations to create a raised area | 11 New Road Bolehill Derbyshire DE4 4GL | Pending Consideration |
| ENF/17/00018 | Unauthorised works to remove a fire surround in a Grade II Listed Building. | Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET | Pending Consideration |
| ENF/17/00023 | Breach of conditions on planning permission 14/00891/FUL | Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS | Pending Consideration |
| ENF/17/00031 | Unauthorised installation of a white plastic door and window. | 1 Cavendish Cottages Cromford Road Wirksworth Derbyshire DE4 4FP | Pending Consideration |
| ENF/17/00051 | Unauthorised change of use of garage/store to beauty studio. | The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD | Pending Consideration |

### Total Open Cases

| Total Open Cases | 67 |
### Ashbourne North

**ENF/12/00110**  
Unauthorised extension to dwelling - side and rear extension fronting the highway. 112 Park Avenue, Ashbourne, DE6 1GB  
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, DE6 1GB  
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

### 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/16/00033**  
Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford  
Land Off Luke Lane Luke Lane Brailsford Derbyshire  
Complaint Unfounded  
02/02/2017

**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
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/17/00009</td>
<td>Unauthorised building works - Building does not accord with approved plans 15/00407/FUL (Part) for the erection of the freestanding garage/studio.</td>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00099</td>
<td>Unauthorised erection of external flu pipe on building fronting a highway and within the conservation area of Hopton.</td>
<td>Henmore Grange Main Street Hopton Derbyshire DE4 4DF</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/16/00095</td>
<td>Unauthorised building works for the conversion of outbuildings to living accommodation.</td>
<td>Charity Farm Orchard Lane Wyaston Derbyshire DE6 2DR</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00012</td>
<td>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.</td>
<td>Westwood Clifton Road Clifton Derbyshire DE6 2DH</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/17/00036</td>
<td>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</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>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.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>Ref</td>
<td>Description</td>
<td>Address</td>
<td>Status/Outcome</td>
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<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>
</tr>
<tr>
<td>ENF/16/00092</td>
<td>Engineering operations to create a car park</td>
<td>Milners Off Road Limited Old Road Darley Dale Derbyshire DE4 2ER</td>
<td>Planning Application Received</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>
</tr>
<tr>
<td></td>
<td><strong>Doveridge And Sudbury</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/13/00019</td>
<td>Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge.</td>
<td>Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire</td>
<td>Notice complied with</td>
</tr>
<tr>
<td>ENF/17/00003</td>
<td>Unauthorised building works relating to planning permission 15/00459/FUL. Building not built in accordance with approved plans. Also the demolition of an existing double garage and erection of new garage with accommodation above and link to newly built timber clad building, (15/00459/FUL).</td>
<td>81 Aston Lane Sudbury Derbyshire DE6 5HG</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td></td>
<td><strong>Hulland</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00043</td>
<td>Unauthorised engineering works on land at Whinney Hill Farm</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/17/00055</td>
<td>Alleged breach of condition relating to removal of P/D rights. Installation of external heat source pump on Laburnham Cottage, Nether Lane, Kirk Ireton.</td>
<td>Bluebell House Nether Lane Kirk Ireton Derbyshire DE6 3JW</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td></td>
<td><strong>Masson</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice complied with</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice complied with</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/16/00028</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>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
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<td>-----------------------------</td>
</tr>
<tr>
<td>ENF/16/00063</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>
</tr>
<tr>
<td>ENF/16/00066</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>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings.</td>
<td>Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone.</td>
<td>Bus Stop Near To The Fountain, Bonsall.</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00084</td>
<td>Unauthorised banner advertisements.</td>
<td>RIVA 124 - 126 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/17/00025</td>
<td>Alleged unauthorised ride/attraction.</td>
<td>Gullivers Kingdom Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00027</td>
<td>Unauthorised erection of a satellite dish.</td>
<td>4 Holme Villas Brunswood Road Matlock Bath Derbyshire DE4 3PA</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/17/00032</td>
<td>Alleged new blockwork wall.</td>
<td>Masson Road Matlock Bath</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/17/00045</td>
<td>Unauthorised satellite dish.</td>
<td>3 Holme Villas Brunswood Road Matlock Bath Derbyshire DE4 3PA</td>
<td>Complied Voluntarily</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Complied Voluntarily</td>
<td>21/06/2017</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL.</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Not in the Public interest to pursue</td>
<td>04/04/2017</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Complied Voluntarily</td>
<td>29/03/2017</td>
</tr>
<tr>
<td>ENF/16/00093</td>
<td>Breach of condition relating to Tree protection on land off Bakewell Road at Matlock</td>
<td>McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU</td>
<td>Not in the Public interest to pursue</td>
<td>10/01/2017</td>
</tr>
<tr>
<td>ENF/16/00098</td>
<td>Unauthorised side extension.</td>
<td>21 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Planning Application</td>
<td>23/01/2017</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish.</td>
<td>12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
<td>Complied Voluntarily</td>
<td>08/03/2017</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
</tr>
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</tr>
<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/17/00062</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><strong>Matlock St Giles</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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/16/00057</td>
<td>Change of use of agricultural land to the rear of 76 - 78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.</td>
<td>78 Starkholmes Road Matlock Derbyshire DE4 3DD</td>
<td>Complaint Unfounded</td>
<td>17/01/2017</td>
</tr>
<tr>
<td>ENF/16/000102</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/17/00014</td>
<td>Breach of condition relating to builders parking outside the site on planning permission 15/00200/FUL</td>
<td>1 Hawleys Close Matlock Derbyshire DE4 5LY</td>
<td>Complied Voluntarily</td>
<td>08/02/2017</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/17/00060</td>
<td>Alleged unauthorised vehicular access.</td>
<td>25 Knowlestone Place Matlock Derbyshire DE4 3BU</td>
<td>Complaint Unfounded</td>
<td>19/06/2017</td>
</tr>
<tr>
<td><strong>Norbury</strong></td>
<td></td>
<td></td>
<td></td>
<td></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><strong>Stanton</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00067</td>
<td>Unauthorised erection of a timber fence adjacent to a highway.</td>
<td>2 River View Dale Road North Darley Dale Derbyshire DE4 2HX</td>
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<td>ENF/16/00086</td>
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<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
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<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
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<td>ENF/16/00040</td>
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<tr>
<td>ENF/16/00059</td>
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<tr>
<td>ENF/16/00064</td>
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<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00080</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>
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<tr>
<td>ENF/17/00001</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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<td>ENF/17/00033</td>
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<td>HotHouse Gatehouse Drive Wirksworth Derbyshire DE4 4DL</td>
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<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>
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**Total Closed Cases**: 67
### 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>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
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<td>16/00411/FUL</td>
<td>37 Windmill Lane, Ashbourne</td>
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<td>37 Windmill Lane, Ashbourne</td>
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<td>17/00052/FUL</td>
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<td>PI</td>
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<td>16/00913/OUT</td>
<td>Land adjacent to Thatchers Lane, Tansley</td>
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**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 2 May 2017
by Thomas Hatfield  BA (Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 6th June 2017

Appeal Ref: APP/P1045/W/17/3167657
Land east of Derby Road, Doveridge

• 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 Roche Enterprises Ltd against the decision of Derbyshire Dales District Council.
• The application Ref 16/00780/OUT, dated 18 October 2016, was refused by notice dated 20 December 2016.
• The development proposed is described as “outline application for up to 2 dwellings with all matters reserved except for access”.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.

3. The Council originally refused planning permission for two reasons. The Council’s second reason for refusal stated that insufficient information had been submitted to demonstrate that adequate visibility sightlines from the proposed accesses could be achieved. Subsequently, the appellant submitted further drawings with the appeal documentation that identified visibility splays in each direction. Following receipt of these drawings, the Council has confirmed it is no longer seeking to pursue this reason for refusal. It has therefore not formed part of my deliberations.

4. The appeal site is part of a larger field that has recently been subject to a dismissed appeal for 17 dwellings (ref APP/P1045/W/16/3148676). Given the recent date of that decision (29 July 2016), I attach significant weight to the previous Inspector’s findings, albeit I recognise that this decision related to a larger site.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the surrounding area.
Reasons

6. The appeal site comprises part of an agricultural field on the eastern side of Derby Road. It is next to a small cluster of dwellings around the junction of Derby Road with Bell Lane, including a row of properties immediately to the south. The site forms part of an area of open land between the cluster of dwellings and the village of Doveridge. It is visible from various points along Derby Road and from the surrounding footpath network.

7. The Council’s Landscape Sensitivity Study (2015) identifies the site as being within an area that is highly sensitive to new housing development. However, I agree with the appellant that this does not rule out residential development but requires individual appraisal of development proposals.

8. Whilst the appeal site is bordered to the south by existing properties, it is otherwise surrounded by open land including on the opposite side of the road. In this position, the development would appear as an extension to the existing ribbon of development into open countryside. It would not sit comfortably within the existing cluster of dwellings in my view. Whilst the development would be viewed in the context of the cluster of dwellings and existing trees, it would nevertheless appear as a prominent intrusion into open countryside.

9. The current appeal site consists of approximately a third of the site area that was considered in the previous appeal. That Inspector found the wider site to be in a visually prominent location when viewed from the highway and public footpath network. They also found that it makes a highly positive contribution to the character and appearance of the area. Accordingly, the Inspector concluded that that development would have had a significantly harmful effect on the visual amenity of the area.

10. The current appeal site is also visually prominent despite its reduced size. Whilst only 2 dwellings are proposed, it is likely that these would be large detached properties given the shape of the site. The appellant states that the development could be bounded by a hedgerow to create a soft buffer. However, this measure would not significantly mitigate the impact of the development in my view.

11. A nearby site further along Derby Road has recently been granted planning permission for up to 70 dwellings (ref 15/00389/OUT). However, that site is some distance to the north and is separated from the appeal site by open fields and parkland. It is also situated on the opposite side of a grouping of trees that will serve as a form of natural screening. I therefore do not consider that this development will change the character of the immediate area to such an extent so as to justify the appeal proposal. I further note that my colleague came to a similar view on this matter when considering the previous appeal.

12. My attention has also been drawn to a recent appeal decision for 2 dwellings on land a short distance to the south of the current appeal site (ref APP/P1045/W/16/3145895). In that case, the Inspector found that the development would result in only limited harm to the character and appearance of the surrounding area, and allowed the appeal. In coming to that view, he found that the proposal would "balance the built form of development around the junction without causing an unacceptable extension of ribbon development along Derby Road”. That site is located close to the centre of the cluster of dwellings, and is opposite existing properties on the other side of Derby Road.
That does not apply to the current appeal site, which is more peripherally located, and would extend the existing ribbon of development on the eastern side of Derby Road.

13. For the above reasons, I conclude that the development would significantly harm the character and appearance of the surrounding area. It would therefore be contrary to Policies SF5 and NBE8 of the Derbyshire Dales Local Plan (2005). These policies seek, amongst other things, to ensure that new development preserves the character, appearance and local distinctiveness of its surroundings.

14. The Council has also drawn my attention to Policies S3, PD5, and HC1 of the emerging Derbyshire Dales Local Plan, which was submitted to the Secretary of State for examination in December 2016. In this regard, paragraph 216 of the Framework states that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the Framework. In this case, however, I have no information before me regarding the extent of any unresolved objections to these emerging policies. Accordingly, I attach only limited weight to them.

15. There is a dispute between the parties as to whether the Council can demonstrate a 5 year supply of housing sites. In this regard, I only have partial information before me regarding the Council’s position. However, given the environmental harm I have identified above, and the relatively modest economic and social benefits associated with 2 additional dwellings, the lack of a 5 year supply would not alter my view in this case. The harm I have identified would clearly and demonstrably outweigh the benefits of the development.

Other Matters

16. The parties agree that Policy SF4 of the Derbyshire Dales Local Plan (2005) is out of date, regardless of whether a 5 year supply can be demonstrated, because it does not consider the need for development beyond the plan period (to 2011). However, I am not convinced that this is the correct approach. In this regard, I note that paragraph 211 of the National Planning Policy Framework (‘the Framework’) states that policies in the Local Plan “should not be considered out-of-date simply because they were adopted prior to the publication of this Framework”. Paragraph 215 of the Framework further states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework”. The Council refer to Daventry District Council v SSCLG and Gladman Developments Limited [2015] EWHC 3459 (Admin) to justify their approach. However, that judgement states:

"Of course, Mr Kimblin was correct to say that the Local Plan became time-expired in 2006. I accept that this was particularly relevant to consideration of housing allocation/supply figures, which are calculated in respect of specific time periods. However, the Inspector had fully investigated housing allocation/supply at DL 33 to 43. The Inspector conducted this investigation to meet the requirements of NPPF 47 and 49. NPPF 47 requires local planning authorities to “boost significantly the supply of housing” by ensuring that their Local Plan meets the “full, objectively assessed needs” for market and affordable housing. They are required to identify a supply of
specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional percentage 'buffer'. By NPPF 49, if they are not able to demonstrate a five year supply of deliverable housing sites, their "policies for the supply of housing" are to be treated as out-of-date. It follows that if a planning authority is able to demonstrate a five year supply, its policies are not to be treated out-of date for this purpose. Importantly, a planning authority is entitled to decide for itself the locations to which it allocates its housing supply, consistently with national and local policy." (paragraph 46)

This does not support the contention that Policy SF4 should be regarded as being out of date simply because the Local Plan is time-expired.

17. Interested parties have raised concerns in relation to highway safety, and state that accidents have occurred in the vicinity of the site. However, visibility from the proposed accesses would be adequate in my view. In this regard, I note that the Highway Authority has withdrawn its objection to the development.

18. Layout and design are reserved matters. However, I am satisfied that it would be possible to create a development that would not unduly harm the privacy of neighbouring residents. Furthermore, it is highly unlikely that a development of this scale and type would give rise to significant noise or light pollution.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR
Appeal Decision

Hearing held on 16 May 2017
Site visits made on 15 and 16 May 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

Appeal Ref: APP/P1045/W/16/3160553
Land off Old Road, Darley Dale, Matlock, Derbyshire DE4 2ER

- 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 Wildgoose Homes against the decision of Derbyshire Dales District Council.
- The application Ref 16/00041/OUT, dated 21 January 2016, was refused by notice dated 13 April 2016.
- The development proposed is residential development of up to 60 dwellings (outline).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis, treating the proposed site layout and sketches as illustrative.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area with specific reference to landscape character and the Matlock to Darley Dale A6 corridor.

Reasons

Character and appearance

4. The appeal site is an irregular trapezium shaped parcel of land bound by Old Road to the south and the A6 Dale Road to the north and is located approximately 400m south east of the Dale Road/Station Road junction. The land is set to grass and is used for the grazing of horses. The field boundaries alongside the A6, Old Road and the south eastern boundary are defined by stone walls and the north western boundary is defined by a hedgerow with occasional trees.

5. The settlement of Darley Dale is situated within the valley of the River Derwent, on the edge of the Peak District National Park which overlooks the valley from the west and south west. The river floodplain contains the settlement on its south western side. To the north east steeply sloping valley sides’ rise up to moorland at Sydnope Hill, Round Hill and Black Hill. The main part of Darley Dale extends along either side of the A6.

6. The surrounding area is characterised by a mixture of sporadic residential and commercial development, open fields and significant levels of vegetation. Land immediately to the south of the site is in a range of uses including residential,
agricultural and a carriageway museum. There is an extensive row of mature trees located along the southern side of Old Road.

7. Policy NBE8 of the Derbyshire Dales Local Plan (Local Plan) (2005) states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

8. Policy NBE9 of the Local Plan seeks to protect the Important Open Spaces alongside the A6 through Darley Dale in recognition of their role in preventing the coalescence of settlements. The emerging Local Plan continues the commitment to safeguard the intrinsic character and quality of the open spaces and to prevent the further coalescence of Matlock and Darley Dale.

Landscape effects

9. The submitted Landscape and Visual Impact Assessment January 2016 (LVIA) identifies that the site falls within National Character Area 51 ‘Dark Peak’ which extends over a large area of north-west Derbyshire.

10. At a regional level, the Landscape Character of Derbyshire shows the site within the landscape character type ‘Settled Valley Pastures’. This is described as ‘a settled, pastoral farming landscape on gently sloping lower valley sides, dissected by stream valleys. Dense watercourse trees, scattered boundary trees and tree groups around settlement contribute to a strongly wooded character’.

11. The Derbyshire Dales District Council Landscape Sensitivity Study (the LSS) (2015) identifies the land to the south and south east of Darley Dale as being of high sensitivity. In contrast to the LSS, the LVIA categorises the sensitivity of the site character and its fabric to the type of change proposed as ‘Low’ or ‘Low’ to ‘Medium’ on the basis that whilst it exhibits positive character the field is farmed as improved pastureland with grazing the main activity and as there are no specific features or habitats which could be assessed as being of high value. It also considers that the site adjoins the existing built development on the edge of Darley Dale and would not, on its own, lead to the coalescence of settlements.

12. However, the local landscape to the south and west of the A6 and outside the floodplain demonstrates most of the characteristics of the ‘Settled Valley Pastures’ landscape character type. Indeed, some of the attendant characteristics are apparent on the appeal site itself including pastoral farming with improved pasture; wooded character with scattered hedgerow trees to the western boundary; and small irregular fields enclosed by mixed species hedgerow and occasional stone walls.

13. Even taking into account the proposed housing allocation at land adjacent to the commercial building, the site would be separated from the main built-up edge by the Warney Brook valley and adjoining fields. In addition, the site is open on its eastern edge and thus has a high visual prominence from the A6 and is also highly visible from Old Road to the west. Furthermore, the site lies within the area of land between Two Dales and Upper Hackney and thus plays a role in helping to prevent the coalescence of settlements. For those reasons and on the basis of the criteria set out in the LSS, I consider that the site has a high susceptibility to change and a high sensitivity to the type of development proposed.

14. The proposal would be for around 60 dwellings and the indicative plans show housing set back from the A6 with new tree planting and green buffer along the

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1 The Landscape Character of Derbyshire, Derbyshire County Council
boundary, off street parking, flood balancing and a children’s play area. The existing pavement would be widened and a new low stone wall built to match the existing. The vehicular access would be off Old Road and housing and trees would front Old Road. The proposed access would lead to a central green space with play area and swale.

15. The LVIA assesses that the proposed development would initially have a ‘Moderate’ to ‘Major Adverse’ significance of effect upon the character of the site and its fabric during the construction phase and at completion (year 0) reducing to ‘Minor Adverse’ significance of effect at year 15 when the structures and landscape have matured. In the immediate vicinity of the site during construction and completion, the LVIA considers that the significance upon landscape character would be ‘Moderate Adverse’. In the broader landscape, the significance of effect is assessed as ‘Minor Adverse’ due to the location of the development adjacent to existing and established developments within the A6 corridor as well as the influence of local trees and woodland. At year 15 when landscape treatment and planting has established the significance of effect is assessed as ‘Negligible to Minor Adverse’.

16. Although some ribbon development has taken place along the A6 corridor, there are large areas of agricultural land and other rural land uses which remain including the appeal site. The site exhibits positive character and includes characteristics of the ‘Settled Valley Pastures’ landscape character type. The River Derwent is undoubtedly an important feature of the wider landscape. However, I consider that the Warney Brook and its tree lined banks also have a significant presence in the context of the landscape to the south of Darley Dale. The immediate valley of the Brook is quite contained and defined by the trees which line its sides. The appeal site is only separated from the Warney Brook by one field and there are clear views of the tree lined Brook from the appeal site. Furthermore, to the south of the commercial building, garage and garden centre there are also views along its valley to the moorland to the north east. Consequently, I consider that the appeal site forms part of the wider network of fields which provide the landscape setting for Brook.

17. The line of trees on the south side of Old Road screens views to the River Derwent and the Peak District National Park to a degree. Nonetheless, views exist of the hills above the trees and filtered views through the trees and in winter views would be more apparent.

18. Furthermore, I consider that the appeal site together with the field opposite also make a significant contribution to the setting of the village itself, acting as a gateway when approaching from the south. Residents who regularly use the A6 have clear views across the site due to its open nature adding to the site’s value to the local community. Whilst the development of the site would not lead to the coalescence of settlements on its own it would, nevertheless, contribute to the further coalescence of Darley Dale/Two Dales and Hackney/Upper Hackney. Consequently, I consider that the site makes a significant contribution to landscape character within the immediate vicinity of the site, the wider landscape and the character and appearance of the area.

19. In terms of the physical landscape effects, the field boundaries such as the stone wall and the boundary trees and hedgerow to the north western boundary of the site would be kept. The existing boundary walling beside the A6 would be realigned in order to widen the roadside footpath. Thus, those elements of the landscape character type would be retained. Nonetheless, the agricultural character of the site would change significantly to that of a residential, urban nature. It would result in the loss of the irregular shaped field and improved pasture which are representative
of the landscape character type. It would also result in the loss of a field which forms part of the wider field pattern of the Warney Brook valley to the south of Darley Dale.

20. It would introduce substantial built development resulting in a significant loss of openness, a feature of the north-eastern boundary of the site. It would also result in the loss of visual connectivity currently enjoyed along the Warney Brook to the high moorland in the north east and to a lesser extent the PDNP to the west. Furthermore, the open landscape setting to the south of the village and the gateway feature would be lost. Moreover, the development would reduce the undeveloped frontage to the A6 by approximately 135m and erode the allocated Important Open Space which seeks to prevent the coalescence of Darley Dale and Matlock. Consequently, I agree with the Council that the LVIA has failed to recognise the significance of the above factors.

21. The proposal would result in a marked, permanent and irreversible change to the site itself, the immediate vicinity of the site and the wider landscape. Given the prominence of the site on the A6, a key approach into Darley Dale the impact would be keenly felt by local residents. Consequently, I find that the LVIA underestimates the magnitude of impact and significance of effect on landscape character of the proposal on both the immediate and wider landscape. I, therefore, consider that the magnitude of impact on the character of the site during construction and completion would be 'High Adverse' which in a landscape of high sensitivity to the proposed change would result in a 'Major Adverse' significance of effect. The significance of effect in the immediate vicinity of the site and the wider landscape during construction and at completion (year 0) would also be ‘Major Adverse’.

22. The proposed landscaping would soften the appearance of the development to a degree; however, there is no guarantee that this vegetation would remain in perpetuity. The proposed landscaping would take some time to establish and even at 15 years would not be fully mature. The impact of the development would, therefore, be experienced for a significant period of time. Furthermore, trees may need to be removed and any replacement planting would inevitably take time to establish. Even in the longer term, I do not consider that landscaping would fully mitigate the harm to the landscape which I have identified. As a result, I only place limited weight on the value of vegetation in screening the development during its lifetime.

23. Moreover, the proposed landscaping would not mitigate for the loss of the specific landscape characteristics, loss of openness or the coalescence of settlements. For the above reasons, I find that the LVIA overplays the effect of landscaping in mitigating the impact of the development. Indeed, the proposed landscaping along the A6 would enclose the north-east boundary compounding the loss of openness at this location.

24. Consequently, I consider that at year 15 the magnitude of impact arising from the development would still cause a noticeable deterioration in the view and would, therefore, only be reduced to ‘Medium Adverse’ as a result of the landscaping. In a landscape of high sensitivity, I consider that the significance of effect would be ‘Moderate to Major Adverse’, particularly in the immediate vicinity of the site.

25. I, therefore, conclude that the LVIA underestimates landscape sensitivity of the site, the magnitude of change and the impact significance. I also consider that the LVIA significantly overplays the extent to which the proposed landscaping would mitigate this impact.
Visual Impact

26. The LVIA established a Theoretical Zone of Visibility as a starting point for the assessment of the visual effect of the proposal. It goes on to undertake a baseline assessment of visual receptors likely to be affected by the development and contains a number of representative viewpoints taken from specified locations, finding no more than a ‘Moderate to Major Adverse’ significance of visual effect during construction and completion and no more than a ‘Low Adverse’ significance of visual effect at 15 years when the landscaping has matured. The assessment of visual effects contained in the LVIA has been revisited by the appellant’s landscape consultant. For the avoidance of doubt, I have used this updated table as the basis for the determination of the appeal in conjunction with the written commentary in the LVIA.

27. The LVIA identifies three key categories of visual receptors including residents, amenity users and road users. It assesses that the significance of visual effect in the immediate vicinity of the site on Old Road (viewpoints 1 and 2) and the A6 (view point 3) would be ‘Moderate to Major Adverse’ during construction and at year 0 reducing to ‘Moderate Adverse’ once the proposed landscaping has matured (year 15). However, although the development would be set back and a degree of permeability may be retained, the proposal would result in a significant amount of built development in close proximity to highly sensitive visual receptors (residents, motorists, pedestrians, visitors to the museum and area) on the A6 and Old Road and the loss of open views across the site.

28. The proposal would result in a significant change to the character of the site from agricultural to urban. It would result in the loss of open views currently experienced across the site and the loss of the visual connection along the Warney Brook Valley to the moorlands in the north east. As such the proposal would result in a marked, permanent and irreversible change in views in the immediate vicinity of the site. Consequently, the proposal would result in a significant deterioration in the view and that the significance of effect at viewpoints 1-3 would be ‘Major Adverse’ at construction and year 0.

29. Even at year 15, the landscaping would not be fully mature and the development would still be clearly visible, albeit in filtered views, for the lifetime of the development at all 3 viewpoints. Indeed the proposed landscaping along the A6 would lead to a further loss of openness. Furthermore, for the reasons stated at paragraph 22 above, I only place limited weight on the value of vegetation in screening the development during its lifetime. Consequently, I consider that the magnitude of effect on highly sensitive visual receptors would be ‘Medium Adverse’ and the significance of effect would be ‘Moderate to Major adverse’ at year 15 in the vicinity of the site.

30. In response to concerns raised by the Council, an addendum to the LVIA assessed the visual effects of the proposed development from viewpoints to the north and east. At Oddford Lane (viewpoint 7), the LVIA assesses the overall significance of visual effect at construction and year 0 as ‘Moderate to Major Adverse’ reducing to ‘Low to Moderate Adverse’ at year 15 on the basis that the site is largely screened by a roadside hedge. However, on my site visit I noted that the appeal site is clearly visible in views over the hedge and across the field and would be visible by receptors of a medium to high sensitivity including residents, pedestrians and cyclists and to lesser extent motorists. Whilst the commercial building to the north-west of the appeal site is visible, the overwhelming impression is that of a rural landscape. The higher hills of the Peak District are visible above the trees and in winter, filtered views of the Peak District would be visible through the trees.
31. There would be views across the hedgerow and a grassed field to the north-eastern boundary of the housing development with dwellings off-set to the A6. The proposal would introduce substantial built development significantly changing the view to one of a more urban nature. The filtered views through the trees in winter of the Peak District hills would also be lost. Although views above the trees of the Peak District hills would remain visible, residential development would dominate the foreground. Consequently, I consider that the overall significance of effect at construction and year 0 would be ‘Moderate to Major Adverse’. Once again, I find that the ability of landscaping to screen the development has been over-estimated. Consequently, I find that the significance of visual effect from viewpoint 7 at year 15 would be ‘Moderate Adverse’.

32. The LVIA assesses the overall significance of visual effect at viewpoint 8, at the northern end of Holt Road as ‘Negligible to Low Adverse’ at construction stage and at year 0 on the basis that the site would only be partially visible in the middle distance to the south of the factory site due to screening afforded by existing buildings and mature trees. However, this location has broad elevated views across the Derwent Valley, south of Darley Dale to the western horizon in the Peak District National Park and the proposal would, therefore, still be clearly visible and cause a minor deterioration in view from this location resulting in a ‘Low Adverse’ magnitude of change. Taking into account the medium to high sensitivity of receptors, I consider that the overall significance of effect would be ‘Moderate Adverse’. At year 15, given the limited weight to which I attach to landscaping, the significance of visual effect would reduce to ‘Minor to Moderate Adverse’.

33. Viewpoint 9, Holt Road Centre is located 100m south of viewpoint 8 from a location approximately half way along Holt Road. The LVIA concludes that, although VP9 is slightly further away the visual impacts would be similar to those experienced from VP8 and I agree. Thus my conclusions in respect of viewpoint 8 also apply to viewpoint 9.

34. Viewpoints to the west of the site were assessed at the Derwent Valley Heritage Way (view point 4), the Square and Compass Public House/Flatts Farm Darley Bridge (viewpoint 5) and off Kirby Lane, Darley Bridge (viewpoint 6). The LVIA considers that the overall significance of visual effect would be negligible at construction, year 0 and year 15. I observed on my site visit that the development would be largely screened by mature trees and existing buildings on Old Road and as such I agree that the proposal would not result in a noticeable deterioration or improvement in the views from viewpoints 4, 5 and 6 to the west. Consequently, I have no reason to disagree with this assessment.

35. In terms of the visual impact of the proposal, I conclude that the LVIA has underplayed the magnitude of visual impact particularly in the immediate vicinity of the site and to a lesser degree at view points to the north and east of the site. In particular, I consider that the LVIA has significantly overplayed the ability of landscaping to screen the visual impacts of the proposal.

**Cumulative Landscape and Visual Effects**

36. The Darley Dale to Matlock A6 corridor retains an agricultural landscape character, although there is some development on either side of the A6. Policy NBE9 of the Local Plan seeks to protect Important Open Spaces alongside the A6 through Darley Dale in order to prevent the further coalescence of Matlock and Darley Dale. Criterion D states that planning permission will only be granted for development on open spaces in this area if it does not have an adverse impact upon the open character of the area.
37. The LVIA concludes that the design for the development maintains visual connectivity between the areas north east and south west of the site. It states that due to the small scale of the proposed development, it will have very limited impact on the separate identities of Darley Dale and Matlock. Attention is drawn to a number of sites which have been granted planning permission by the Council and/or allocated in the emerging Local Plan. The appellant considers that the Council has been inconsistent in applying the LSS and also with regards to the site assessment in the Strategic Housing Land Availability Study (SHLA) and the consideration of other planning permissions within the area designated as an Important Open Space.

38. Limited information is before me in relation to land adjacent Bakewell Road, however, I note that the site was deemed to be undevelopable and constrained in the SHLA partly due to flood risk and impact on landscape character. The site situated to the rear of RBS to the north west of the site is a draft allocation in the emerging Local Plan. However, I noted that the site immediately abuts the settlement edge of Darley Dale and has a greater level of visual containment than the appeal site.

39. The former St Elphin’s school site is the redevelopment of a former private school with accommodation for those over age 55 along with an incorporated care facility as an exception to open market housing. The development is, therefore, on previously developed land, although some of the development is outside the footprint of the former school.

40. The Meadow View Care Centre is an associated development to the Whitworth Hospital site providing care for the community and is now open market housing. The Poppy Field’s development is an affordable housing site which was allowed as an exception to policy on a former nursery site. I noted on my site visit that the Poppy Field’s and Meadow View development are adjacent to the built up area of Matlock. Allocation HC2 (K), Normanshurst would be situated behind the existing residential development and Council building and set well back from the road and would, therefore, have less visual impact than the appeal proposal.

41. For the reasons stated, I consider that none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. In any event, they do not alter the landscape and visual effects that would arise from this scheme. Furthermore, these cases serve to demonstrate the need to protect the remaining area of open space in order to avoid a coalescence of Darley Dale and Matlock. I have insufficient evidence before me to assess the assertion that the site assessment in the SHLA has been inconsistent.

42. The LVIA concludes that due to the existing and proposed enclosure of the site the significance of long term, residual cumulative visual effect arising from the development would be negligible to minor adverse. However, it seems to me that the LVIA and subsequent evidence for the appellant significantly down plays the landscape and visual effects of the development and I have found that the likely impacts would be greater. In particular, the development would have a significantly harmful landscape and visual effect in the immediate vicinity of the site. I also find that the LVIA significantly overlays the role of the proposed landscaping in screening the appeal proposal. Furthermore, the proposal would reduce the agricultural ‘gap’ alongside the A6 by 135m resulting in the further coalescence of Matlock and Darley Dale.

43. For the reasons stated, I conclude that the proposal would result in significantly harmful landscape and visual effects and harm the character and appearance of the area. It would, therefore, be contrary to Policies NBE8 and NBE9 of the Local Plan.
Furthermore, conflict arises with paragraphs 17 and 109 of the National Planning Policy Framework (the Framework) which states that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes. I have had regard to the indicative plans of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for up to 60 dwellings in any other way without causing similar harmful effects on the landscape and character and appearance of the area.

Other matters

44. A signed section 106 agreement has been submitted which would make provision for obligations for 30% (up to 18 units) affordable housing on site with an 80/20 split in favour of social rented units and an education contribution of £136,788 for the creation of 12 additional primary school places at Darley Churchtown CE Primary School. I understand that the latter is merely that which is necessary to offset any harm to education provision in the area which would be caused by the scheme.

Planning balance

45. I have concluded that the proposal would result in significantly harmful landscape and visual effects and would harm the character and appearance of the area. Conflict, therefore, arises with paragraph 17 and 109 of the Framework.

46. On the other hand, the proposal would contribute to housing supply, including affordable housing. It would also have some economic benefits in the short term during the construction phase and in the longer term as occupiers would support local businesses. Furthermore, parties agree that the appeal site has access to public transport and local services. These factors weigh in favour of the proposal.

47. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing sites. Paragraph 59 of the recent Supreme Court judgment\(^2\) of 11 May 2017 makes it clear that the primary purpose of paragraph 49 is to trigger the operation of the tilted balance in paragraph 14 where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

48. At the time the Council determined the application it did not have a five year supply of housing. However, based on recent analysis of development that will come forward in the next five years in order to support the emerging development plan it now considers that it can identify a five year supply of housing equivalent to 5.82 years. The Council also considers that allocations within the emerging local plan will provide sufficient supply over the plan period as a whole. The appellant’s latest position is that there is only a 4.3 years supply of housing land, revised from an earlier assessment of 3.6 years supply.

49. Discussion took place at the hearing regarding a number of issues relating to housing supply including whether the 2012 or 2014 sub-national population and household projections should be utilised; whether the Sedgefield or Liverpool method should be used for dealing with any shortfall; whether a non-implementation allowance should be applied to sites with planning permission; and the likelihood of proposed housing sites in the emerging plan coming forward in the

\(^2\) Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council
five year period. The evidence before me on this latter point is very limited. Overall, I therefore find evidence relating to housing land supply to be inconclusive.

50. However, even if there is only a 3.6 or 4.30 year supply of housing land as the appellant suggests, and that as a result paragraph 14 is triggered, having regard to the Framework as a whole, I conclude that the adverse impacts of granting permission for this scheme would significantly and demonstrably outweigh the benefits.

51. I have concluded that the proposal would result in significantly harmful landscape and visual effects and harm the character and appearance of the area. Conflict, therefore, arises with paragraphs 17 and 109 of the Framework. The proposal would not, therefore, constitute sustainable development.

Conclusion

52. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector
APPEARANCES

FOR THE APPELLANT:

Richard Piggot Planning and Design Practice Ltd
Ian Reid Ian Reid Planning (Landscape Consultant)
R Spears Wildgoose Homes
Chris May Pegasus Group
Johnathon Wildgoose Wildgoose Homes

FOR THE LOCAL PLANNING AUTHORITY:

Helen Frith Derbyshire Dales District Council
Howard Crow Derbyshire Dales District Council
Paul Wilson Derbyshire Dales District Council

Evidence Submitted at the Hearing:

1) Updated Appendix 1 of the Council’s statement.

2) Map showing planning permissions; existing and emerging local plan allocations in the area of Important Open Space.
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.

BACK TO AGENDA