06 March 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 14 March 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 2.00pm 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 – 22 February 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. 16/00945/FUL (Site Visit)**
Retention of storage building at Hoben International Ltd, Brassington.

4.2 **APPLICATION NO. 16/00832/OUT (Site Visit)**
Outline application for a residential development and associated access at Land East of Les Ardennes, Hulland Ward.

4.3 **APPLICATION NO. 16/00879/OUT (Site Visit)**
Residential development of up to 100 dwellings, provision of land for a community facility and associated access (Outline) at Land off Babbs Lane, Doveridge.

4.4 **APPLICATION NO. 16/00922/OUT (Site Visit)**
Residential development of up to 14 dwellings and access (Outline) at Land East of Derby Road, Doveridge.

4.5 **APPLICATION NO. 14/00074/OUT**
Residential development (367 Dwellings) employment site, commercial and community facilities, link Road, access and landscaping (Outline; Revised Site Area) at Ashbourne Airfield, Ashbourne.

4.6 **APPLICATION NO. 16/00374/FUL**
Use of premise for commercial dog breeding and boarding purposes, replacement kennel and erection of new isolation unit at Four Lane Ends Farm, Gibfield Lane, Hulland Ward.

4.7 **APPLICATION NO. 17/00030/FUL**
Erection of dwelling at The Old Cottage, Main Street, Kirk Ireton.

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 Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Chris Furness, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Jo Wild.

**Substitute Members**

Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Helen Froggatt, Alyson Hill, Angus Jenkins, Vicky Massey-Bloodworth, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacque Stevens, 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>Category</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 **2.00pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.25pm</td>
<td>APPLICATION NO. 16/00945/FUL</td>
<td><strong>HOBEN INTERBNATIONAL LTD, MANYSTONES LANE, BRASSINGTON.</strong> At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>3.15pm</td>
<td>APPLICATION NO. 16/00832/OUT</td>
<td><strong>LAND Adjacent to Les Ardennes, Hulland Ward.</strong> At the request of Officers to allow Members to appreciate the site and context.</td>
</tr>
<tr>
<td>4.00pm</td>
<td>APPLICATION NO. 16/00879/OUT</td>
<td><strong>LAND East of Babbs Lane, Doveridge.</strong> At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>4.20pm</td>
<td>APPLICATION NO. 16/00922/OUT</td>
<td><strong>LAND East of Derby Road, Doveridge.</strong> At the request of Officers to allow Members to fully assess the impact of the development on the local environment.</td>
</tr>
<tr>
<td>5.00pm</td>
<td>RETURN TO THE VENUE, ASHBOURNE</td>
<td></td>
</tr>
</tbody>
</table>
COMMITTEE SITE MEETING PROCEDURE

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
### APPLICATION NUMBER
16/00945/FUL

### SITE ADDRESS:
Hoben International Ltd, Brassington

### DESCRIPTION OF DEVELOPMENT
Retention of Storage Building

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>Mr. Chris Whitmore</th>
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<tr>
<td>APPLICANT</td>
<td>Mr. D. Challinor</td>
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<tr>
<th>PARISH/TOWN</th>
<th>Brassington</th>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<th>WARD MEMBER(S)</th>
<th>Cllr. L. Rose</th>
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<tr>
<td>DETERMINATION TARGET</td>
<td>10th April 2017</td>
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<tr>
<th>REASON FOR DETERMINATION BY COMMITTEE</th>
<th>Major development</th>
</tr>
</thead>
<tbody>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Officers to allow Members to fully assess the impact of the development on the local environment</td>
</tr>
</tbody>
</table>

### MATERIAL PLANNING ISSUES

- The appropriateness of the building in this countryside location, and;
- its impact on the local landscape;
- nearby heritage assets, and;
- highway safety.

### RECOMMENDATION

Approval with conditions
1. THE SITE AND SURROUNDINGS

1.1 Hoben International works lies to the north of Manystones Lane immediately to the south of the High Peak Trail. To the north of the High Peak Trail is Harboro Rocks (see photo 1) which is the local high point in the landscape and has a scheduled monument on its south-west facing side. Harboro Rocks also has local wildlife and geological site designations. To the south of Manystones at this point are the scheduled monuments Round Low and Bees Nest and Green Clay Pits SAC and SSSI.

1.2 The application relates specifically to a storage building which sits on a surfaced yard area approximately 20m to the west of the existing works and east of a recently approved building for the manufacture and supply of reinforced concrete boxes. The structure comprises an aluminium frame covered in fabric (see photograph 2)

2. DETAILS OF THE APPLICATION

2.1 Retrospective planning permission is sought to retain the storage building, which was erected in November 2015. The aluminium framed structure is 80m long by 25m wide and is covered in a PVC coated polyester fabric. The structure has a dual pitched roof, 4.4m high to eaves and 7.9m to ridge. The walls are finished a brown colour and the roof white.

2.2 The applicant advises that the structure is required to support a multi-million pound investment in a Perlite production facility (which operates from within an existing building). The structure is essentially used for the storage of raw material. Access into the building for unloading and filling is via three roller shutter doors of varying widths. There are also two separate pedestrian access doors. Existing vegetation surrounding the building provides substantial screening. As part of the application it is proposed to plant additional trees on the eastern side of the building in order to enhance the screen.

2.3 The applicant advises in a Design and Access Statement that the buildings on site had housed a mineral processing facility, however, in 2015 this facility was no longer viable and the business unit was closed down. They advise that towards the end of 2015 a business opportunity presented itself to Hoben International Ltd insomuch as William Sinclair Holdings Ltd of Ellesmere Port agreed to sell off their Silvaperl subsidiary business. This included a Perlite mineral processing facility, which had to be moved to the site at Hoben at short notice. The mineral processing facility fitted perfectly within the redundant processing buildings, however, a large storage area was required and it was not possible in the timescales to erect a permanent structure, so a temporary structure was procured. Having developed a full understanding of the business during 2016 and explored options for permanent and modified structures for the storage facility, the applicant has
concluded that the existing structure is the optimum solution hence the submission of this application.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales Local Plan (2005)

SF3: Development Conspicuous From The Peak National Park
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
EDT7: Extension And Expansion Of Existing Industrial and Business Land and Premises
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks
NBE2: Sites Of National Importance For Nature Conservation
NBE3: Other Sites Of Importance For Nature Conservation
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE8: Landscape Character
NBE24: Archaeological Sites And Heritage Features
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR6: Parking Requirements For New Development
L10: Leisure Routes And Trails

3.2 Deposit Draft Derbyshire Dales Local Plan (August 2016)

S5: Development in the Countryside
PD5: Landscape Character
EC1: New Employment Development

3.3 Other:
National Planning Policy Framework – in particular paragraphs 7, 14, 17, 18, 19, 21, 28, 109, 110, 111, 113, 115, 117, 118, 123, 128, 132, 133, 134, 135
The National Planning Practice Guide

4. **RELEVANT PLANNING HISTORY**

16/00570/FUL Erection of concrete processing facility and associated works - Granted
15/00370/FUL Erection of wind turbine 77 meters to blade tip (50m to hub), with associated access track, crane hardstanding, electrical cabinets and cable run - Refused
13/00590/FUL Erection of open fronted storage structure - Granted
12/00545/FUL Erection of Industrial Storage Building - Granted
10/00752/FUL Change of Use of Land and Engineering Operations to Facilitate Use of Land as Storage - Granted
08/00559/FUL Erection of Silo Storage Building and Erection of Workshop - Granted

5. **CONSULTATION RESPONSES**

Brassington Parish Council:
5.1 No objection.

Local Highway Authority
5.2 The Highway Authority has commented on several applications at this site and whilst no objections have been raised, emerging visibility conditions have been recommended to ensure a safe level of emerging visibility is available (2.4m x 150m in both directions);
most recently the Highway Authority’s comments in connection with application ref 16/00570/FUL.

During a recent site visit it was evident that the 2.4m x 150m were not achieved. Therefore, as part of this application the Highway Authority recommends a detailed drawing is submitted illustrating the recommended 2.4m x 150m visibility sightlines prior to any consent being granted. The Highway Authority can then recommend a condition to ensure the visibility sightlines are achieved and maintained throughout the life of this development.

Natural England:

5.3 We note this application relates purely to the retention of an existing storage building.

Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Bee's Nest and Green Clay Pits SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Bee's Nest and Green Clay Pits SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Development Control Archaeologist

5.4 The proposal site is within Derbyshire HER 2456, the site of the late 19th-early 20th century Harboro' Brick Works and its associated sand and gravel workings. This area has however been extensively reworked and does not contain any significant archaeological remains.

The site is also within the close setting of the Scheduled Harborough Cave (HER 3475). The cave’s significance draws on aspects of its setting, notably the sense of lofty isolation afforded by its elevated position, with wide-ranging views taking in other prehistoric monuments including the Round Low barrow to the south and Minninglow Hill to the west. Industrial elements in the close setting – notably the existing Hoben International site but also the existing wind turbines at Carsington Pastures – detract significantly from this sense of elevation and dominance (although the greatest detractor is perhaps the process noise from the Hoben site).

Retention of the storage building would represent a small incremental harm to this aspect of the asset’s significance, but would not significantly expand the footprint of the Hoben site as viewed from the monument. This would be ‘less than substantial harm’ in NPPF terms, towards the lower end of this scale. This harm could be partially mitigated by recovering the roof in a recessive colour material to replace the rather intrusive white currently in place.

District Councils Landscape Officer:

5.5 There are no objections to the application.

The building is constructed on an area already in use as part of the existing development and there will, therefore, be no adverse impact on the fabric or features of the landscape.
It is located within the immediate vicinity of the existing development to which it is subservient and there is, therefore, likely to be no significant adverse impact on landscape character over and above that which already exists.

Existing vegetation substantially screens the building within local views and the applicant proposes additional planting for enhancement of the screen. Generally, it is only the roof (or part of the roof) which is visible at any one time and on all occasions it is seen within the context of the existing development. It is unfortunate that the roof is coloured white as this does draw attention to it, however, there is no significant adverse impact on visual amenity as a result of development over and above that which already exists.

Additional trees planted on the northern side of the site would strengthen the belt of vegetation growing along the southern side of the High Peak Trail and help to better screen the building within the view from Harborough Rocks. The submission of a detailed planting scheme for approval and implementation should be made a condition of any planning permission.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

7.1 The main issues to assess in the consideration of this application are the appropriateness of the building in this countryside location, the impact of the development on the local landscape, nearby heritage assets and highway safety. As can be seen from the consultation response from Natural England it is not considered that the Bee’s Nest and Green Clay Pits SSSI would be adversely affected by the proposed development. The structure has been erected on an existing surfaced yard, which has been used to store raw materials and finished goods awaiting despatch and old equipment and machinery for some time. The site is of low ecological value and the retention of the store would have no significant adverse impact on wildlife, including the designated Local Wildlife Site to the west.

7.2 Although located within open countryside the works are well-established and the proposed development concerns a structure which a) is necessary to support the Perlite production facility which has recently relocated to the site and b) sits between the existing industrial complex and a recently approved building for the manufacture and supply of reinforced concrete boxes. Local Plan Policies EDT7 and EDT15 support the expansion and extension of existing industrial and business land and premises provided that the development would not have an adverse impact upon the character and appearance of its surroundings, would not cause an overdevelopment of the site and would not impact on neighbours. These requirements are considered to align with National Planning Policy Framework guidance, which urges support for the sustainable growth and expansion of rural businesses, be that by new build or conversion of existing buildings. Similar provisions are also contained in Policy EC1 of the Deposit Draft Derbyshire Dales Local Plan (August 2016).

Impact on heritage assets

7.3 The building affects the setting of the Scheduled Harborough Cave (HER 3475), which due to its elevated position can be viewed in the context of other prehistoric monuments including the Round Low barrow to the south and Minninglow Hill to the west. The Development Control Archaeologist, however, advises that the works at Hoben and the
wind turbines at Carsington Pastures detract significantly from this sense of elevation and dominance. In this regard retention of the storage building is considered to represent a small incremental harm to this aspect of the asset’s significance. As the building does not significantly expand the footprint of the Hoben site as viewed from the monument, this harm is gauged at the lower end of ‘less than substantial harm’ in NPPF terms.

7.4 National guidance on the protection of heritage assets is clear. Great weight should be given to an assets conservation in considering the impact of a proposed development on the significance of the asset. The more important the asset, the greater the weight should be. It is made clear that the setting should be weighed in this process as change to the setting will impact on the significance of the asset. In the context of assessing harm to significance substantial harm or total loss warrant refusal of an application unless the public benefits are substantial. Where less than substantial harm to the significance of a heritage asset result it is made clear that this should be weighed against the public benefits (Paragraph 134).

7.5 The storage building is essential to the operation of the Perlite mineral processing facility which has relocated to the site and made use of redundant industrial buildings. Although the Development Control Archaeologist has advised that the harm could be partially mitigated by re-covering the roof in a recessive colour material to replace the rather intrusive white currently in place, the applicant advises that there have been no complaints in relation to the appearance of the existing roof covering, there are technical issues and health and safety implications associated with changing the colour and the cost would be prohibitive. The applicant points to difficult trading conditions, uncertainty in global markets and contraction in the oil and gas section and concludes that modifying the colour of the roofing material would add nothing to the business or the wider community and would not benefit the public whatsoever. Bearing in mind the previous use of this part of the site for open storage of old equipment / machinery and raw materials the building provides a purpose built structure to cover over this activity. Furthermore, the close proximity of the structure to the existing works buildings is such that the level of harm to the setting of the Scheduled Harborough Cave (without modification to the colour of the roofing material) would be far outweighed by the public benefit to be derived in this case. The development enables the effective re-use of existing industrial buildings, which brings with it employment and associated economic benefits and would ensure that open storage which the District Council has limited control over is contained within a purpose built structure.

Impact on landscape / character and appearance

7.6 Groups and individual trees and understorey shrubs substantially screen the site in any views directly into the site from Manystones Lane in the south (though the roof is visible from the footpath crossing fields on the southern side of the lane) while similar vegetation breaks up the view to existing buildings in views along Manystones Lane from the west with only the higher parts visible. In views along the road from the east part of the building is visible though the vegetation described above provides a substantially effective screen. From Harborough Rocks fragmented lines of established trees along the southern railway embankment help to screen and break up the view but they are not as effective in the winter months when the leaves have gone. In all local views the building is seen in immediate association with existing development.

7.7 Long views from the north are screened by the local ridge and it is unlikely that the Peak District National Park will be affected in this regard. In the south, from Hog naston Whin and the B5035 as it rises out of the valley there are clear views of the wind turbines and Sibelco on the skyline. However, the Hoben complex is tucked in below Harborough Rocks and is not prominent from this viewpoint. Also though the existing buildings are more prominent on the skyline when viewed from Blind Lane/ Moor Lane north of Kirk Ireton the site remains screened. The highest part of the existing complex is visible in the
long view from the minor road towards Aldwarke in the north west but the building, the subject on this application, is screened.

7.8 As noted above, the building is within partial view from a number of locations in the immediate vicinity of the site particularly from Harborough Rocks (and associated high ground and public rights of way) that overlook it, the High Peak Trail which is adjacent along part of its length and from where views can be gained on the approaches from the west, and on western and eastern approaches along Manystones Lane. As stated by the District Councils Landscape Officer it is generally only the roof (or part of the roof) which is visible at any one time. The colour of the roofing material does draw attention to it, however, the building sits close to and is read within the context of existing industrial buildings and, as such, there is no significant adverse impact on the local landscape or visual amenity as a result of development over and above that which already exists.

7.9 To help mitigate any adverse impact on the local landscape a condition to secure a scheme of tree planting which shall include measures to strengthen the belt of vegetation growing along the southern side of the High Peak Trail and help to better screen the building within the view from Harborough Rocks is recommended.

Highway Safety

7.10 The Local Highway Authority advised in respect of application 16/00570/FUL for a new building for the manufacture and supply of reinforced concrete boxes that a visibility splay 2.4m x 150m in both directions at the main site access should be provided. The yard area upon which the building the subject of this application sits was already used for the storage of materials associated with the processing of minerals. On the basis that the proposed storage building, the subject of this application would not result in any significant increase in traffic movements to and from the site, it is not considered necessary to secure such modifications on the back of this application. They will be provided ahead of implementing the extant permission which will result in an intensification of use.

Conclusion

7.11 In summary it is considered that the storage building, in its current form would satisfy the relevant provisions of the development plan and national guidance. Although some harm to a nearby heritage asset (Harborough Cave) has been identified, this would be outweighed by the public benefit to be derived from the effective re-use of existing industrial buildings and containment of what would otherwise be an open storage area that the District Council would have limited control over in this case. Subject to a scheme of tree planting being submitted to and approved in writing by the Local Planning Authority to mitigate any slight adverse impact on the local landscape it is recommended that the application be approved.

8 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

1. The building shall be used for the storage of materials and equipment in association with the Perlite production facility operating from the site only unless the Local Planning Authority gives written consent to any alternative use.

2. Within 3 months of the date of this permission a scheme of planting, which shall include measures to strengthen the belt of vegetation growing along the southern side of the High Peak Trail, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme of planting shall thereafter be carried out in full in the first planting and seeding season following written approval by the Local Planning Authority. All
approved tree 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.

Reasons:

1. For the avoidance of doubt and to prevent any intensification of the site access without improvements to visibility 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).

2. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnote:

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 planning problems and permission was granted without negotiation.

2. NFA20 Conditions Precedent… Condition 1.

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

This Decision Notice relates to the following documents:

1:2500 Scale Site Location Plan;
1:500 Scale Proposed Block Plan;
1:500 Scale Proposed Building Layout, Elevations and Perspective Plan numbered 16.3.045 Rev1;
1:500 Scale Plan Titled Proposed Development Finished Levels numbered 16.3.046, and;
Design and Access Statement dated December 2016 received by the District Council on the 23rd December 2016 and 9th January 2017, and;
Supporting Letter 1 from the applicant received by the District Council on the 20th February 2017.
**APPLICATION NUMBER**  | 16/00832/OUT  
**SITE ADDRESS:**  | Land East of Les Ardennes, Hulland Ward  
**DESCRIPTION OF DEVELOPMENT**  | Outline application for residential development and associated access  
**CASE OFFICER**  | H Frith  
**APPLICANT**  | Mrs Pamela Fox  
**PARISH/TOWN**  | Hulland Ward  
**AGENT**  | Mr S Lawson of 2 Cities Planning Consultancy  
**WARD MEMBER(S)**  | Cllr R Bright  
**DETERMINATION TARGET**  | 14/03/2017  
**REASON FOR DETERMINATION BY COMMITTEE**  | Major Development  
**REASON FOR SITE VISIT (IF APPLICABLE)**  | For Members to appreciate the site and context.  

**MATERIAL PLANNING ISSUES**
- The sustainability of Hulland Ward
- Prematurity of decision making
- Land drainage and sewerage capacity
- Highway safety and footpaths
- Character and appearance
- Residential amenity
- Impacts upon ecology
- Housing mix
- Developer contributions

**RECOMMENDATION**
Approval
16/00832/OUT

Land adj Les Ardennes, Hulland Ward

Derbyshire Dales DC

Date: 02/03/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 731100.
website: www.derbyshiredales.gov.uk
1.0 THE SITE AND SURROUNDINGS
1.1 The application site is a green field surrounded by hedgerow situated to the south eastern edge of Hulland Ward. The field falls generally in a southerly direction. The site fronts onto a busy highway without pavements. There is a public house opposite the site with a few dwellings dotted to the east, north and west. A public footpath is located to the western side of the site.

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

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

2.3 As the proposal is outline only and it is only the access for which permission is being sought at this stage, the details of house types and layout would be considered under a reserved matters application.
2.4 The applicant has submitted a number of documents to support their case which will be referred to in the Officer Appraisal section below, including:
- Tree Survey
- Ecological Appraisal
- Flood Risk Statement
- Noise Impact Statement
- Transport Assessment and Travel Plan
- Sustainability/Energy Statement
- Design and Access Statement
- Speed Readings
- Surface Water Drainage Strategy

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   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
   Hulland Ward is third tier settlement - these villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment.
   HC2: Housing Land Allocations - Draft allocation HC2(Q): Land at Les Ardennes 0.88 hectares for 18 dwellings.
   HC4: Affordable housing
   HC11: Housing Mix and Type

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

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

Parish / Town Council

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

Derbyshire County Council (Highways)

5.2 Initial response:

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

Therefore, before the Highway Authority can assess the access proposals a manual speed reading should be carried out to determine the required visibility splay.

The internal road layout should accord with the 6C’s Design Guide if it is to be adopted.

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

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

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

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

As this application site is not of a suitable size to accommodate 50+ dwellings, the proposed carriageway width of 4.8m is adequate. However, if development to the rear of this site was ever sought, which increased the total number of dwellings off this access to more than 50 dwellings, then a carriageway width of 5.5m would be required.
The application proposals provide an internal pedestrian link to the existing public footpath to the west of the site. It is recommended this section of public footpath from the internal link up to Derby Road is upgraded. Also, a 2m wide footway from the proposed access to Derby Road, up to the extremities of the site frontage to the west, is recommended. For the avoidance of doubt, these works along Derby Road will need to be carried out under a Section 278 Agreement with the Highway Authority.

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

Derbyshire County Council (Education)

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

Derbyshire Wildlife Trust

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

Landscape Design Officer (Derbyshire Dales)

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

Environmental Health (Derbyshire Dales)

5.6 No objections

Derbyshire Dales Ramblers

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

Peak and Northern Footpaths

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

Derbyshire County Council (Flood Team)

5.9 Initial response:

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

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:
• Appropriate evidence to support how the site will drain.
• Basic calculations of the greenfield/brownfield runoff and discharge rates for the site.
• A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location.

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

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

The Flood team response to this is summarised below:

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

The suggested provision for attenuation by subterranean storage tanks would not be considered by the County Council or the Environment Agency to be classed as sustainable drainage features. It is an expectation for SuDS to be a material consideration for new development wherever this is appropriate. The suggested SuDS area is expected to be situated within the application boundary.

The recommendation to discharge to the combined sewer would be the least desirable option according as surface water would be discharged into another catchment (thus impacting local hydrology/hydrogeology) north east of the proposed site via a pumped system.

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

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

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

Conditions are recommended.

Strategic Housing Team (Derbyshire Dales)
5.10 We require 2 x 3 bed 5 person houses and 4 x 2 bed 4 person houses on this site. The internal floor areas of the 2 bed houses should be a minimum of 79 square metres and the 3 bed a minimum of 93 square metres. The remainder would be an off-site contribution.
6.0 REPRESENTATIONS RECEIVED

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

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

**Principle**

Would it not be more sensible to extend those areas already being developed which have better access into the village.

There is no evidence of additional need for housing here.

More dwellings are proposed than was envisaged in the original assessment.

Hulland Ward has already supplied over 80 dwellings, this is only a third tier settlement, surely this is enough development.

This is green belt area

The village cannot accommodate this level of growth.

Employment in the area is limited.

Don’t destroy our village.

Agricultural fields are being swallowed up leaving less room for providing local food.

No more room in the school or doctors, existing facilities would be overstretched.

There are plenty of properties for sale in the village.

**Visual Impact**

The properties would need to have much higher ridge levels than neighbouring properties.

The development would be cramped and out of context with surrounding development.

This development would overpower neighbouring properties.

The development will destroy the character of the village.

**Flooding and Drainage**

Existing sewerage capacity cannot take any development.

The land in this area is clay and does not drain well and is prone to surface water flooding.

Severn Trent improved the Hulland Ward sewage works but this did not envisage these additional houses.

There are surface water problems on the field which will be exacerbated by development.

**Wildlife**

This field is used for ground nesting birds.

**Amenity**

The planting of trees would be too close to my boundary.

Loss of privacy and the peaceful environment.

The detail of the buildings and layout may result in further objection from us.

**Highway Safety**

A previous application for planning permission for a single dwelling was refused on highway grounds (07/00663/OUT)

Access to amenities would involve crossing and walking along a busy road without pavements.

There are large vehicles using this road.

This would impact on highway safety through additional traffic.

There is no pedestrian access adjacent to the Black Horse Inn or along the site frontage

The visibility splays required cannot be achieved.

Access is too close to the junction with the A517.

There have been many accidents in this area.
The footpath is maintained and owned privately and we are not prepared for it to be used by the large numbers of people that would come from this development.

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

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

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

7.4 In these circumstances the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme, the remainder of this report seeks to assess these matters.

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

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

The sustainability of Hulland Ward as a third tier settlement

7.6 Through the emerging draft local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment is has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore the settlement hierarchy work also included an assessment of the smaller settlements as to their capacity for growth and their sustainability given the existing services and facilities that are provided.
7.7 In this case Hulland Ward, as one of the larger villages, has some limited services and facilities including a primary school. It is considered to be one of the more sustainable settlements and as such has been categorised a third tier settlement where growth can be accommodated. As noted above the site has been allocated within the deposit draft local plan as a site for the development of 18 dwellings (allocation HC2 (Q)). It is also acknowledged that given the growth of housing required across the district this cannot be fully accommodated on brownfield sites and therefore development on green fields will be necessary. Hulland Ward as one of the larger villages is considered to have capacity for growth. Even where this utilises green fields, at an appropriate scale, it can be considered sustainable.

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

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

7.9 National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

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

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

Land Drainage and Sewerage Capacity

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

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

**Highway Safety and footpaths**

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

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

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

**Character and Appearance**

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

**Residential Amenity**

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

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

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

Housing Mix

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

Developer Contributions

7.22 The proposed draft affordable housing policy seeks the provision of 30% on site affordable housing on the basis that CIL will be introduced for infrastructure payments. However as the Council has no CIL in place it is considered reasonable to request a 45% contribution.

7.23 The Council’s Housing team, have advised that they require 2 x 3 bed 5 person houses and 4 x 2 bed 4 person houses as the affordable provision on this site. The rest of the 45% provision would be as an off-site contribution. This advice was based on the provision of 23 units. However, there is agreement that 45% provision for affordable housing as such the proposal is considered to be acceptable in terms of affordable housing.

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

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

Conclusion

7.26 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.

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

7.28 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.

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

7.30 In this case the social role would be met through the delivery of on-site affordable housing to meet the needs of the district with the addition of off-site contribution making the overall contribution of 45% affordable housing provision in a sustainable location within close proximity to the services and facilities provided within the village of Hulland Ward. It is likely that the resultant reserved matters application will need to provide smaller units on the site to accommodate other on site facilities. This will better balance with the aim of the Deposit Draft Local Plan to provide a balance of smaller and larger units on development sites.

7.31 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.

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

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

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

8.0 RECOMMENDATION
8.1 That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site and off-site to make up provision to the equivalent of 45%, the contribution towards primary school, secondary and post 16 places and subject to conditions covering the following matters: -

1. Condition ST01a: Time limit on Outline
2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
   a) the scale of the development;
   b) the layout of the development;
   c) the external appearance of the development;
   d) the landscaping of the site.

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

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

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

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

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

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

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

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

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

7. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
8. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

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

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

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

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

13. Notwithstanding the submitted information, a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained within the Manual for Streets document issued by the Departments for Transport and Communities and Local Government.

14. Prior to the occupation of each dwelling, the proposed estate streets between that dwelling and the existing public highway shall be laid out in accordance with the scheme approved in accordance with Condition 5 above, or as subsequently revised and approved in writing by the Local Planning Authority, constructed to base level, drained and lighted in accordance with the County Council’s specification for new housing development roads.

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

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

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

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

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

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

Reasons:

1. ST01a
2. ST03a (delete d – access)
3. For the avoidance of doubt.
4-5. In the interests of ecology and biodiversity in accordance with policies NBE4 and NBE5 of the Adopted Derbyshire Dales Local plan and guidance contained within the National Planning Policy Framework.
6. To ensure appropriate provision of open space in accordance with Policy L6 of the Adopted Derbyshire Dales Local plan and guidance contained within the National Planning Policy Framework.
7. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.
8. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:
   I. into the ground (infiltration);
   II. to a surface water body;
   III. to a surface water sewer, highway drain, or another drainage system;
   IV. to a combined sewer.
9-20. In the interests of highway safety in accordance with Policies TR1 and TR8 of the
Adopted Derbyshire Dales Local plan and guidance contained within the National Planning
Policy Framework.

NOTES TO APPLICANT:

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

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

3. Highway footnotes:

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

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

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

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

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

• The granting of planning permission is not consent to divert or obstruct a public right of way.

• If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

• If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

• Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

• To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

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

4. Footnotes from the Lead Local Flood Authority:

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

Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.TEam@derbyshire.gov.uk.

The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse’s Water Framework Directive good ecological status. strategy for the proposed development be required.

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

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

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

5. This decision notice relates to the following documents:
   Amended site plan no. 103 received 06.03.17
   Speed readings received 20.02.17
   Surface water drainage strategy received 20.02.17
   Tree Survey dated October 2016
   Ecological Appraisal dated October 2016
   Flood Risk Statement dated October 2016
   Noise Impact Statement dated October 2016
   Transport Assessment and Travel Plan dated October 2016
   Sustainability/Energy Statement dated October 2016
   Design and Access Statement received 19.12.16
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00879/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Land off Babbs Lane, Doveridge</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential development of up to 100 dwellings, provision of land for a community facility and associated access (Outline)</td>
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<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>PARISH</td>
<td>Doveridge</td>
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<tr>
<td>APPLICANT</td>
<td>Gladman Developments</td>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. A. Catt</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>8th March 2017</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major development</td>
</tr>
<tr>
<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**

- Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape;
- Sustainability of location, scale and the impact on existing services and facilities;
- Impact on local landscape character / the character and appearance of the locality
- Impact on the local environment, including mature hedgerows, trees and ecology;
- Whether there would be any highway safety implications
- Residential amenity impacts for existing and proposed residents and impact of noise from the A50;
- Affordable housing and housing mix;
- The land to be set aside for a community facility, and;
- Surface water drainage.

**RECOMMENDATION**

Refusal
1. THE SITE AND SURROUNDINGS

1.1 The site comprises two agricultural fields, managed for pasture which border / lie immediately to the north of Derby Road and Cavendish Lodge between Babbs Lane and the A50 (see photograph 1). The fields cover an area of approximately 5.56ha and are bound and separated by hedgerows with scattered, mature hedgerow trees. A mature hedge lines the boundary with Babbs Lane (see photograph 2) and Derby Road. A hedgerow and hedgerow trees line the track / footpath that marks the southern boundary of the site with Cavendish Lodge and Steve Fosters Crane Hire premises. Land within the ownership of the applicant is identified to the north comprising a strip of land bordering the A50, some 0.94ha in area (seen in photograph 3).

1.2 There is existing development to the west and at Cavendish Close and Baker’s Lane on the southern side of Derby Road. Otherwise the local settlement pattern is fragmented with outlying properties at The Cottage and Holme Lea (see photograph 4).

1.3 The site is open in views from Derby Road and the public footpaths which traverse the site (no’s 18 and 19 ‘Doveridge’ and the footpath which follows the route of the track which marks the southern boundary (no. 17 ‘Doveridge’).

1.4 The site forms part of an area of land identified within the Historic Environment Record (HER) as a coherent block of medieval field system ridge and furrow. Access to the land can be achieved via a field access at the southern end of the site off Derby Road.
2. DETAILS OF THE APPLICATION

2.1 This outline application follows the submission of an application for 165 dwellings, 47 extra care units (Class C2) and land to be set aside for a doctors surgery, which covered a larger area extending up to the A50. The applicant appealed against non-determination of the application and is due to be considered by the Planning Inspectorate at Public Inquiry on the 4th April 2017.

2.2 This application seeks outline permission to erect up to 100 dwellings on the land and makes provision for a community facility (covering an area of 0.13ha) and associated access. Although reference is made to the delivery of 30% of the new dwellings as affordable homes in the supporting documentation, the applicant has confirmed that they agree to provide 35%. The new housing development will be concentrated on the two fields, which lie to the north of Derby Road and north of Cavendish Cottage. The application also sets aside an area of land at the western end of the site for a community facility, which will be made available for such use for a period of 5 years. The applicant had proposed to set the land aside for a doctor's surgery, however, following comments from the Clinical Commissioning Group, it is considered that more flexibility should be provided for an alternative community use.

2.3 The indicative site framework plan also makes provision for

- A noise attenuation bund, some 20m wide by 5m high with a fence;
- Highway and associated infrastructure works including pedestrian links;
- Formal and informal public open space and a balancing facility as the eastern end of the site, and;
- Landscaping.

2.4 Existing public rights of way are shown to be retained and enhanced, connecting across the site via green corridors that link to the wider surroundings. Most of the existing trees and hedgerows are also shown to be retained. A balancing pond is shown to be located within public open space at the eastern end of the site.

2.5 The indicative masterplans illustrate how the site could be developed. The main purpose of the various masterplans is to show that the level of development proposed is achievable / can be accommodated on the site. Density is identified as being higher at the western and southern parts of the site (34 dwellings per hectare), reducing to 31 dwellings per hectare at the north eastern and eastern parts of the site.

2.6 Although the applicant has sought to agree access, it would appear that only the point of access onto Babbs Lane is to be agreed, as internal roads are shown as indicative as is the layout of the houses / development. The point of access into the site is shown approximately 140m to the north of the Babbs Lane and Derby Road junction. The section of road up to the access will need to be widened and the existing hedgerow and hedgerow trees along the western boundary of the site removed to accommodate the development.

2.7 In addition to the various indicative masterplans contained within the Design and Access Statement prepared by Gladman, the application is accompanied by the following supporting documents:-

- Development Framework Plan by FPCR
- Landscape & Visual Assessment by FPCR
- Transport Assessment by Gladman
- Proposed Access Drawing prepared by Prime
- Travel Plan by Prime
Ecological/Biodiversity Report by FPCR
Arboricultural Assessment by FPCR
Phase I Site Investigation Report by LK Consult Limited
Flood Risk Assessment (FRA) by LK Consult Limited
Foul Drainage Analysis Report by Utility Law Solutions
Air Quality Screening Report by Wardell Armstrong
Noise Assessment by Wardell Armstrong
Archaeology Report by CgMs
Socio-Economic Impact Report by Gladman
Statement of Community Involvement by Gladman
Planning Statement by Gladman
Affordable Housing Statement by Levvel
Bat Survey Report by FPCR, and
Transport Assessment Technical Addendum by Prime

2.8 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. The broad outline of the applicant's supporting case is set out in the Planning Statement. It is considered that the proposal provides significant material planning benefits, which weigh heavily in favour of the application including:

- Boosting the supply of land for housing, providing for high quality market family housing within a sustainable location. The development proposals will make a valuable contribution to the 5 year supply of Derbyshire Dales.
- A balanced mix of dwellings, providing a choice of type and size in response to the identified housing demand and market assessment for Derbyshire Dales.
- The proposals will assist in helping to maintain and enhance the vitality of the community.
- 35% of the new dwellings will be affordable. In circumstances where there is a chronic shortage of affordable housing in Derbyshire Dales it is considered that this should be regarded as a significant material benefit.
- 2.38ha of new public open space and a high quality landscape setting, along with an equipped children’s play area.
- A housing site with pedestrian links, retaining public footpaths and creating new pedestrian links through the site, linking it to Doveridge and surrounding area.
- 0.13ha of land on site for a potential doctor’s surgery (now set aside for a community facility).
- Significant areas of planting to provide green infrastructure, ecology and wildlife benefits.
- Provision of domestic gardens which provide an opportunity to improve biodiversity over and above agricultural use.
- Discharge of surface water from the site and the existing ditch system surrounding the site into a SUDs attenuation pond with ultimate discharge at less than Greenfield run-off rate.
- A noise attenuation bund and fence which will provide some useful noise screening from road traffic from the A50 at some of the existing residential receptors near the development site, off Derby Road, and Babbs Lane, and;
- New Homes Bonus of £947,000 and the wider economic benefits associated with construction and job creation.

2.9 The applicant acknowledges that the development of the site by its very nature, will have a negative impact on the landscape particularly with regard to visual receptors close to the site. However, it is considered that this would be outweighed by the above benefits.
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

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
CS8: Provision of Community Infrastructure
TR1: Access Requirements and the Impact of New Development
TR2: Travel Plans
TR3: Provision for Public Transport
TR8: Parking Requirements for New Development
L6: Outdoor Playing and Play Space in New Housing Developments

3.2 Deposit Draft Derbyshire Dales Local Plan

S3 Settlement Hierarchy
PD2 Protecting the Historic Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodland
PD7 Climate Change
PD8 Flood Risk Management and Water Quality
HC1 Location of Housing Development
HC4 Affordable Housing
HC11 Housing Mix and Type
HC19 Accessibility and Transport
HC20 Managing Travel Demand

3.3 Other Material Considerations:

National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

4.1 16/00095/OUT - Residential Development of up to 165 Dwellings, Up to 47 Units of Class C2 Extra Care and Doctors Surgery (Outline) - Prior to determining the application the applicant appealed to the Planning Inspectorate against non-determination. In accordance
with good practice the application was presented to planning committee on the 9th August 2016 to seek a view from members as to what decision they would have made, had they been empowered to determine the application. Members resolved (13 votes to 1) that they would have refused permission for the following reason:

1. The nature and extent of development would be a substantial and prominent encroachment into a part of the countryside where that land makes a positive and significant contribution to the rural setting of Doveridge. The proposals would have an adverse impact on landscape features, which contribute to the rural character of Babbs Lane and cause significant harm to the character and appearance of the local landscape and setting of Doveridge contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005). Moreover, the environmentally unsustainable nature of the development would significantly and demonstrably outweigh the benefits that would be derived contrary to guidance contained within the National Planning Policy Framework (2012).

5. CONSULTATION RESPONSES

5.1 Doveridge Parish Council:

Have employed planning consultants to object on their behalf. A detailed submission has been made which runs to in excess of 30 pages. The concerns raised are condensed into an executive summary which highlights the following concerns / objections:

1. The proposed development would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan 2005 and the policies of the NPPF.

2. Insufficient evidence has been provided to demonstrate that the site is not the best and most versatile agricultural land. In the absence of such information it is considered that the development would contrary to policy SF6 of the Derbyshire Dales Local Plan and the NPPF.

3. The application site will have a negative adverse impact upon the sensitive rural local landscape character, as defined by the LPA’s Landscape Sensitivity Assessment, contrary to Policy NBE8 of the Derbyshire Dales Local Plan 2005 and policies of the NPPF.

4. The proposal will have a negative adverse impact upon the recreational amenity of the area, contrary to policy L9 of the Derbyshire Dales Local Plan 2005 and policies of the NPPF.

5. Planning applications for 70 dwellings on land at Bakers Lane (15/00389/OUT), and 46 dwellings at Cavendish Cottage, Derby Road (15/00570/OUT) have both been given a resolution to grant. In addition there is a pending application for up to 85 dwellings on land off Hall Lane, Derby Road (15/00739/OUT) and a proposed allocation within the emerging local plan for 18 dwellings on land off Sand Lane (SHLAA Ref: 384). It is considered that this proposal, when added to existing applications for residential development, the cumulative impact would be so significant (384 dwellings), that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that will be central to the emerging Local Plan or Neighbourhood Planning. The village of Doveridge currently comprises some 600 dwellings and the addition of a further 384 dwellings would represent a 64% increase. It is considered that this increase will significantly change the character of the village and overwhelm
its existing facilities and infrastructure. It is therefore considered that planning permission should be refused on grounds of prematurity.

6. The application will see a significant increase in traffic volume using the local highway network. Residents from all existing, pending, and proposed applications in Doveridge travelling west via the A50 will be required to use the Derby Road/Marston Lane roundabout. Traffic arising from the pending application at Land off Derby Road (15/00739/OUT) and resolution to grant at Cavendish Cottage and land off Derby Road (15/00389/OUT) travelling east towards Derby will be required to access the Derby Road/Marston Lane roundabout and pass both Babbs Lane and the site with a resolution to grant at Bakers Lane (15/00570/OUT). It is considered that when considering all committed and proposed developments in Doveridge, there will be a significant adverse impact on the local highway network. Derby Road also forms part of the National Cycle Route 54. It is also considered that the increase in traffic generation as a result of this application when combined with the traffic generation from other developments in Doveridge, will have an adverse impact on the safety of cyclists using this route.

7. There is no confirmed commitment to the provision of much needed community or utility infrastructure contrary to Policy CS8 of the Derbyshire Dales Local Plan 2005 and the policies of the NPPF.

5.2 Derbyshire County Council (Highways):

The Highway Authority has previously provided comments in connection with development of this site under application reference 16/00095/OUT. They advise that the scale of development (and planning application site boundary), as part of the current application submission has been reduced and the care home facility appears to have been removed.

The Local Highway Authority are aware that the site does not currently have an allocation in the Authority’s emerging Local Plan document and will therefore be in addition to the sites that have now been identified for development in the Doveridge area. The Highway Authority did not consider that the previous scale of development would have a severe impact on the highway network, sufficient to raise sustainable objections in principle to the development, therefore it follows that the reduced scale of development is unlikely to introduce any additional highway safety concerns.

They state that it is disappointing that their previous comments regarding pedestrian connectivity improvements to and from the site, to the facilities within Doveridge have not been taken on board within the revised submission or the suggested amendments to the Travel Plan document (contained within my previous consultation response).

It is noted that the access arrangements to serve the site, via an improved and widened section of Babbs Lane still seems to be promoted, which was considered acceptable in highway safety terms, but would be subject to detailed designs to ensure appropriate geometry and construction, drainage and street lighting would be provided to serve the new development. Whilst the scale of development may have reduced the proposed improvements to Babbs Lane would still need to be undertaken to serve the new development.

Based on previous highway comments and the proposed reduced scale of development currently being considered for this site, the Local Highway Authority advise that they would not be in a position to support a reason for refusal of the application proposals on justified highway safety grounds. Conditions are advisory footnotes are recommended in the interests of highway safety. Financial contributions not exceeding £5000 for the future...
review / monitoring of a Travel Plan and £7500 to secure modifications to the speed limit along Babbs Lane are also required to be secured as part of any section 106 agreement.

The Local Highway Authority also make the following comments in relation to the impact on existing public rights of way – Doveridge Footpaths 17, 18 and 19:

The integrity of the existing rights of way across the site should be maintained, and enhanced where possible. These routes should be designed into the scheme as positive open features, enjoying a degree of natural surveillance in order to maximise their attractiveness, and upgraded to a suitable specification for year round use.

5.3 Derbyshire County Council (Land Drainage):

No comments received in respect of this application, however, raised no objections to application code ref. 16/00095/OUT subject to conditions to secure detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and information to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000 and a number of advisory footnotes.

5.4 Derbyshire County Council (Strategic Planning)

Request that the development be afforded access to high speed broadband services and request £369,409.95 towards the provision of 15 secondary places and 6 post 16 places at Queen Elizabeth's Grammar School. The County Council advise that the financial contribution would be used to fund a costed extension to teaching accommodation.

The County Council initially requested £22,798.02 towards the provision of 2 primary places at Doveridge Primary School, however, advised in subsequent correspondence that there is sufficient capacity to accommodate the likely pupil numbers based on approved planning applications in the locality.

Also advise that the Local County Councillor has been consulted and comments as follows:

“Doveridge is being overdeveloped with too much housing which is generating a strain on the infrastructure, schools and roads within the village.

They also state that existing street lighting within Doveridge is very poor.

5.5 Derbyshire Wildlife Trust

Make the following comments:

DWT previously commented on the application in April 2016 with numerous comments and conditions. Additional bat activity surveys have been undertaken and revised ecological appraisal, bat report and arb report as well as the proposals reducing the number of houses.

The Ecological Appraisal details the results of an Extended Phase 1 Habitat Survey undertaken during July 2015. The site was identified to comprise field compartments of improved and poor semi-improved grassland bounded by hedgerows with mature trees. We would advise that the grassland is of limited botanical significance but the hedgerow network with hedgerow trees is of some significance in respect of both landscape and ecology.
The site is located within the Needwood and South Derbyshire Claylands National Character Area 68. Within the NCA profile it is identified that the distinctive field boundary patterns and characteristic hedgerows and hedgerow trees are key characteristics of this landscape character type. The strong hedgerow network needs to be maintained in order not to erode the essential “sense” of this landscape.

The “Statement of Environmental Opportunities” SEO1 of the NCA profile seeks to “conserve and enhance the essential character of this mainly pastoral mixed farm landscape with its distinctive field and settlement patterns, hedgerow trees, varied hedgerow types .....etc.

All nineteen native hedgerows on the site were identified as qualifying as a Habitat of Principal Importance of which six were additionally classified as being “important” under the Hedgerow Regulations.

We would advise that the Local Planning Authority needs to be satisfied that the proposed development will not have an adverse impact upon this distinctive landscape character.

The recommendation in the Ecological Appraisal for the retention of the hedgerows and mature trees is noted and welcomed and it is understood from the Design and Access Statement that the housing will be set within a robust green infrastructure that will include existing mature trees and hedgerows. While this is reflected to some degree in the submitted Development Framework it is important that the existing hedgerows are retained within undeveloped landscape buffers and not incorporated within the curtilage of domestic dwellings in order to maintain their ecological functionality. Such level of detail is understandably not evident at this outline stage but we would advise that a commitment to the retention of the existing hedgerow network and mature trees within undeveloped landscape buffers should be secured as a condition of any outline consent. In addition, the submission and approval of a scheme detailing how the retained hedgerows and mature trees will be protected from damage for the duration of the works should be secured by a planning condition. Conditions to secure a lighting strategy, protection, ensure that breeding birds are protected from harm during the development, secure a further badger survey and a landscape and ecological management plan are also recommended.

5.6 Design and Conservation Officer (Derbyshire Dales District Council)

No comments received in respect of this application, however, made the following comments in respect of this application code ref. 16/00095/OUT:

The site is covered by a non-designated heritage asset (Ridge and Furrow – HER’MDR790 and ‘789’.

There are no designated heritage assets within the vicinity of the site.

5.7 Development Control Archaeologist (County Council)

The site contains earthwork ridge and furrow of medieval date (part of Derbyshire HER 19124), described as ‘a coherent block of the medieval field system of Doveridge, which survives in the fields north of the village’. The ridge and furrow earthworks on the site are mapped at Figure 9 of the applicant’s archaeological report, showing the LiDAR data, and assessed at 4.7/4.8 of the same document. The ridge and furrow survives as slight earthworks, and has been subject to arable cultivation in the recent past. It is part of a wider landscape of earthworks which is becoming increasingly fragmented as parts are lost to ploughing, and the Doveridge bypass has severed its direct relationship with this
wider landscape. It appears therefore that the ridge and furrow resource on the site is of local significance only.

The site contains 7 records on the Portable Antiquities scheme for finds of medieval/early post-medieval coins and other metal artefacts, clustered around the south-western corner of the site. This is a fairly tight cluster of material from a limited time period, but given the lack of any potential archaeological targets in the geophysical survey it seems unlikely that there is a settlement focus in this area.

The site is in an area of landscape characterised as ‘Ancient enclosure – fossilised strip system’ by the County Council’s Historic Landscape Assessment. Some of the field boundaries preserve ‘reverse-S’ curves of former medieval strips. In terms of historic landscape value the revised DBA suggests that the hedgerows within the site are historically ‘important’ in the terms of the Hedgerow Regulations. The argument is based upon the age of the surviving boundaries, which clearly reflect the shape of the medieval strip fields. The historic maps (e.g. 1821) within the DBA suggest however that there has been significant loss of field boundaries since 1821, and it is perhaps debatable whether the surviving boundaries comprise a ‘field system’ sensu the Hedgerow Regulations, particularly as the proposal site is isolated from its wider landscape context by the bypass.

To summarise therefore, development of the site would involve total loss of an area of slight, undesignated ridge and furrow earthworks of local significance. The historic landscape value of the site, comprising the evidential value of these earthworks along with the ‘important’ hedgerows surviving from enclosure of the medieval strip fields, would also be substantially lost: elements of the hedgerows themselves could be retained, but the landscape character of the whole would be fundamentally altered.

The Local Planning Authority must therefore determine whether loss of the locally important/undesignated ridge and furrow resource and historic landscape value is outweighed in the planning balance by the benefits of the development proposals (NPPF para 135). With regard to below-ground archaeological remains the site appears to be of very low potential, and there is no requirement for any further archaeological work.

5.8 Principal Environmental Health Officer (Derbyshire Dales District Council)

Raise no objections in principle; however, recommend that a comprehensive noise attenuation scheme is submitted at the reserved matters stage, once a final site layout has been agreed. They advise that the scheme should demonstrate how noise mitigation methods will achieve the guideline values for day time and night time noise levels at the proposed dwellings.

5.9 Strategic Housing (Derbyshire Dales)

Advise verbally that the identified affordable housing need within Doveridge had been met through the granting of planning permission for new housing development on sites at Cavendish Cottage and Bakers Lane and that an off-site financial contribution to help meet the wider district need for affordable housing should be made.

5.10 East Staffordshire Clinical Commissioning Group (CCG):

Comments on the proposal to set land aside for a doctor’s surgery:

The CCG advise that they are also aware of considerable housing development in the Uttoxeter area which may result in the GP practices in Uttoxeter having to concentrate on this population growth, with a possibility of changing their boundaries to effectively remove existing patients in Doveridge from their lists. This would potentially result in the Sudbury
GP Practice taking this existing population on top of the new population growth. They go on to advise that the demographic that Sudbury GP Practice covers is very rural and extends over a far reaching area. They advise that the Practice is ideally suited to deliver healthcare services to this demographic by being situated in Sudbury. A move to the Doveridge area would alienate a large number of patients from attending the Sudbury Surgery and would potentially put unwanted pressure onto other neighbouring GP Practices.

They advise therefore that it is preferable to the Sudbury GP Practice and their existing patient population that they remain situated in the Sudbury vicinity and that the Staffordshire STP Estates Strategy, which ESCCG is fully signed up to, does not support the development of standalone new GP premises but the development of larger health and social care concepts which support the health and wellbeing of the whole community.

The CCG support the Sudbury GP Practice in securing additional capital contribution to develop existing services within the Sudbury vicinity that would cater for the additional patient population growth.

5.11 Dove River Doctor’s Practice (Sudbury):

Advise that if the Babbs Lane application was to be approved this would create 250 new patients in addition to 642 patients from other approved developments and that either an extension to the Sudbury surgery premises or the construction of a facility to deliver a primary care centre would be required. They estimate the cost of an extension to be £136,000.

5.12 Derbyshire Dales Group of the Ramblers

Derbyshire Dales Group of the Ramblers have no objection to the Development provided that the ROW’s that cross the Development are dealt with as noted in an earlier Application 16/00095/OUT which was for 165 residential dwellings on a larger area of land, namely that they will be enhanced and are not closed or obstructed during or after development.

5.13 Peak and Northern Footpaths Society

Refer to their comments in respect of application code ref. 16/00095/FUL, namely:

Peak and Northern Footpaths Society object because of the effect the development would have on the public footpaths which cross or abut the application site, namely Footpaths 17, 18 and 19 Doveridge. These paths enable the residents of Doveridge, and visitors to the locality, to use traffic free routes for informal recreation, especially dog-walking, and to reach the paths in the open countryside to the north of the A50. Developing the site into a housing estate will ruin the countryside experience of using the footpaths, to the detriment of the enjoyment, health and well-being of those who would use the paths.

If however the council is minded to approve the application, we welcome the proposed location of the paths in green corridors and the creation of new footpaths. The developers must be aware that:

1 The surfaces of the footpaths must not be altered in any way without the authority of the County Council.
2 If the paths are widened the additional widths should be dedicated as part of the public right of way
3 The new paths should be dedicated as public rights of way
4 If it is intended that cyclists should use the existing paths they should be dedicated as cycle tracks.
5 If any of the existing or new paths are to be used by cyclists as well as walkers, they should be at least 3 metres wide and preferably cyclists and walkers segregated with lines and symbols.
6 Contributions should be made to improvements to off-site rights of way as necessary to cope with the greatly increased use as a result of the development.
7 If the location of the existing paths is changed even by a short distance, the paths must be legally diverted.

5.14 Derbyshire Constabulary Designing Out Crime Officer

There are no objections in principle to residential development and a GP’s surgery at this location.

Given the number of existing public footpath routes running through the site, combined with proposed new vehicular and pedestrian routes, we would ask that when drawing up detail care is taken that all routes are faced and overlooked by active building elevations, and where necessary the routes are brought to a standard to ensure safe passage by treatment, aspect and lighting.

Consultation on future detail prior to submitting any reserved matters application is encouraged.

6. REPRESENTATIONS RECEIVED

6.1 A total of 25 representations have been received from local residents. All of the representations received object to the proposed development.

The points raised by the 25 contributors, objecting to the proposed development can be summarised as follows:

**Principle**

- The site is outside the settlement framework boundary and is therefore contrary to saved policies SF4 and H4 of the Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
- 100 dwellings are unnecessary for housing development and disproportionate taking into account other planning applications in the area.
- The development would exceed the number of proposed dwellings in the latest neighbourhood plan.
- This is not a plan for affordable housing but a plan to destroy our village because of greed.
- This is a rural location and 100 dwellings are unnecessary for housing development and disproportionate taking into account other planning applications.
- The number of dwellings proposed is in addition to the 219 already under application. The sheer density of new properties to our small village is totally unacceptable.
- This application is over and above the additional housing provided for by the Local Plan. It cannot be acceptable that the future development of the village should be driven by the desire of landowners to increase the value of their landholding (which I understand is Gladman’s business model) rather than be based on need and carefully considered proportional development.
- Doveridge is currently a village of 600 houses. It already has outline planning permission granted for 219 houses, which will change the atmosphere of the village. This further application will be enough to change the complete character and feel of the community as well as overwhelm existing facilities.
The development is to the north of the road, which is not part of the Council’s preferred development area.

This proposed development is totally out of proportion with the size of the village. I am not opposed to development per se in the village but it must be in keeping with the village and in the correct location. Given that outline permission has already been given for up to 70 dwellings on the opposite side of the Derby Road (Bakers Lane) and that there are further applications in the ‘pipeline’ amounting to a possible further 150 dwellings this application would raise the number to almost 350 dwellings. This is an unacceptable increase for a village.

This proposed development lies outside the Settlement Boundary For The Village Of Doveridge. I cannot see any justified reason for permitting development outside this boundary.

On the Council's SHLAA map, outlining their preferred sites, this site is designated as undevelopable.

This proposal is an obscene number of dwellings to be put forward in a village that has only 600 houses. We can all concur that more housing is needed for the growth of the economy and industry however this is quite simply another developer taking advantage of the housing shortage.

The village will not benefit from this uncontrolled expansion and new residents will not be in a position to enjoy this village as it will no longer be a village, it will be a commuter route sat on the boundary of a noisy A50.

The size of this development is at odds and out of keeping with the historical and social development of Doveridge. It is the equivalent of dropping a super store in the middle of a small town. Many people in the community of Doveridge have made a decision to live in this beautiful village because of its moderate size and rural setting.

The size of these developments are not for village and rural areas but on the edge of towns and brownfield sites of which there are plenty.

By creating this type of development it will along with the other potential sites create upwards of 400 houses in Doveridge in a village of only 650 houses. This goes against human rights of choice to live in an open rural area and the value which people put on living in an area with a high amenity value.

In the SHLAA assessment the site is classed as undevelopable/constrained. It is highlighted as red on historic assessment and amber on landscape, trees and hedgerows, local character and highway infrastructure. Is this still the case or has it suddenly become “the need for houses is greater”.

The site is not part of the strategic development plan for Doveridge.

We should not be destroying valuable agricultural land.

The development is outside the current settlement area for Doveridge which is vital to prevent Doveridge from losing its identity as a village.

Doveridge does not want development on this scale.

Development on this site is not appropriate at this time.

This is a greenfield site which is used by members of the public because of the footpaths.

There are numerous brownfield sites that could be used.

This application would bring the total number of new houses up to more than 320, which will be out of proportion to the size and facilities of the village.

The development exceeds the number of allocations for new dwellings for the next 15 years as proposed in the Council’s Local Plan.

Under the Localism Act it clearly states that the community should have a say on what happens in their surroundings.

The site is predominantly greenfield land, grade 3 and I believe that the arguments for building on it are flawed and do not outweigh the negative effects of its loss.
Sustainability of Location

- There is insufficient access to all services in the Derbyshire Dales, like waste collection.
- Public transport is limited.
- As the countless number of objections have previously stated Doveridge has virtually no facilities, no bus services, other than an hourly service to Burton and Uttoxeter, no extra capacity in our small local primary school, secondary school would also be adversely affected.
- There are no jobs in the village.
- There is only one shop which means that people will have to travel to other towns.
- The bus service is an hourly service and it is unlikely that many of the new residents will actually work in Uttoxeter.
- Use of sustainable modes of transport is not an option for residents of Doveridge.
- There is only a single coach train in each direction from Uttoxeter to Stoke and Derby each hour.
- Local employment opportunities will be affected. Newcomers will have to travel further afield for work.
- There is no public transport from here either to Ashbourne or the Dales.

Impact on service and facilities and the proposal to set aside land for a doctor’s surgery / community facility

- Local surgeries in Uttoxeter and Sudbury are not interested in a GP practice at this site.
- NHS England have stated that their preference is for larger practices in fewer locations, so funding would be an issue. This is a red herring on Gladmans behalf.
- A large-scale development of this nature would place a considerable burden on the village’s infrastructure, particularly the road that would serve it (currently a narrow country lane) and the wider road network. The local school would also struggle to accommodate this unplanned increase in the village population.
- Sewers and the school would be overwhelmed.
- The land to be set aside for a doctors surgery will become just rough space requiring maintenance by the Parish Council.
- Other proposed developments have already ‘used up’ any spare capacity at the village school. As such, I am at a loss to think where any young children from this proposed development would go. Even if the school were able to expand to cope with extra demand I would argue that to access the school on foot would be difficult.
- Whilst the land to be set aside for a doctor’s surgery appears a gesture of good will, it is in fact a white elephant.
- There must be a limit on the speed with which rural communities are expected to expand so that infrastructure can keep pace.
- I am concerned that the school will not be able to cope with the possible influx of pupils and the constraints on site make expansion very difficult.
- Water pressure is an issue.
- There are problems with the sewerage system. The connection through to the sewage treatment works at Uttoxeter does not appear to have solved the problem and I doubt that the system can cope with the new houses already scheduled to be built, let alone a further 100 dwellings.
- The village does not have the amenities to support such a development.
- There is no mention of the provision of any funding towards creating additional school places.
- Our village school will have to take pupils up to the age of 11 if large developments in Uttoxeter close their middle school to Derbyshire children.
• The village does not have a doctor’s surgery and what provision applies in the locality will not have the scope to increase patient numbers to cater for the planned development in the area.

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

• Doveridge is quintessentially a rural Derbyshire village.
• The development would take away the character of the village.
• The development would result in the destruction of a semi-rural community into a sprawling suburban landscape.
• This development would encroach into an important open break in the landscape and would result in in further ribbon development along Derby Road. This will inevitably harm the landscape and character and appearance of the village and would demonstrably outweigh the limited benefits of the proposal.
• A public footpath crosses the site. Walking through a housing estate however attractively designed does not compensate for the loss of countryside.
• Quantity and density of houses is far too high.
• Development of this site, along with the applications already approved will mean that the approach into Doveridge along Derby Road will be almost completely enclosed, with no open areas of countryside left.
• The Council refused an application for a small development close to the site on the basis that it would have a detrimental impact on the character and appearance of this part of the countryside. Surely exactly the same could be said of this development.
• Development to the west is set approximately 50m away from Derby Road. The proposal has completely ignored this building line.
• The bund will make the site seem imprisoned.
• The lane would be widened and hedging removed creating an urban style road with footpath.
• The size of the development is not in keeping with the village.

Housing Mix

• Derbyshire Dales own figures for the next 30 years show a negative population increase for this area and only an increase in the over 65's. Therefore it follows through that any housing requirements in the Derbyshire Dales in three and four bedroom housing will be from outside the area.

Impact on Heritage

• The Ridge and Furrow that is easy to see and must date back to medieval times. Any development would destroy this important feature.
• There would be archaeological losses.

Impact on ecology and trees

• The access through Babbs Lane is untenable due to the size of the lane itself and to widen it would destroy hedges, which allow nesting for birds.
• Animals would be forced away, like bats and birds of prey.
• Wildlife will be affected by this development.
• The archaeologist has previously advised that the hedgerows within the site may be important under the terms of the 1997 Hedgerow Regulations.
• I doubt that any of the corrective measures will bring back the Red Kites that were sighted and recorded this spring.
**Flood risk and drainage**

- The development will result in flooding.
- Development of the site will lead to an increase in standing water. This could potentially lead to more serious problems such as flooding.
- The sewage system as a combined surface and sewage system has never been updated and yet it is stated that it will cope with further supply from this development.
- Surface water can be an issue currently and surely would only get worse with any development on these fields which are a natural soakaway.
- There are issues with manholes blowing off the sewer and depositing waste on the fields.
- Our cellar (at East Lodge) is inundated with water up to 1m above ground level for much of the winter months. We have a real concern that any development of the land opposite will have a deleterious effect on the presently marginal drainage such that the integrity of the house itself may be impacted.
- Water logging and a high water table means that there is already a considerable problem with surface water run-off.
- To be effective any balancing pond would need to be located along the boundary with Derby Road at the low point of the site.
- There is standing water across Derby Road when there is heavy rain.
- Doveridge has had buildings flood from surface water over the years.

**Highway Matters**

- There is too much traffic and road network is not suitable for more traffic.
- Our roads would not be able to cope with the extra vehicles these houses would generate and the likelihood of serious accidents will increase.
- Lack of jobs in the village will generate significant additional traffic a lot of which has to join the A50 on a difficult piece of road.
- The increase in traffic will be a danger to pedestrians.
- Bakers Lane would be used by school children and this is not ideal given the narrowness and poor visibility. Also, some people will choose to use the car to take children to school adding to the dangers on Bakers Lane and increasing the congestion around the school at start and leaving times; which even without this proposed increase is a big issue.
- The lane will not support the level of traffic produced by a significant development.
- Traffic emanating from this and any of the already agreed developments will cause havoc on the lane within Doveridge many of whom do not have associated pavements.
- Doveridge cannot take any more traffic. The lanes are too narrow and the state of the roads is such that they are in a very bad state of repair. Further traffic will make matters worse.
- Direct access to the school from this site is via Bakers Lane, a single track lane with no footpath. In addition the junction of Bakers Lane at Chapel Green is virtually blind for traffic entering from Alms Road.
- There would be in the region of 200-250 cars from residential properties on this site. It is also proposed that a doctor’s surgery would be located along Babbs Lane. The expected result is that Babbs Lane would see in excess of 80 cars per hour in the commuting period and 50 cars per hour at other times. This will create a bottleneck at the Babbs Lane junction and result in raised traffic level.
- The widening of the road exposes residents of dwellings to the west of Babbs Lane to traffic dangers.
- The Babbs Lane and Derby Road junction is opposite recreation grounds. Increased traffic poses danger to its users.
- Pedestrian safety within the context of the increased road traffic has not been considered properly.
At the moment the carriageway to Sudbury is dangerously shared between cyclists and vehicles travelling comfortably at 60mph. 60mph cars and cyclists on a supposedly safe cycle route do not mix.

**Other Matters**

- Most people in Doveridge were not aware of the posting of the revised application either in the village or online until early New Year, leaving 2 days or so to comment. These tactics only underline the nature of a corporate predatory organisation that will stop at nothing to drive forward its profit and self-interest.
- The sound of the A50 is too much. I live on the other side of the village and have to close the windows to keep the noise away.
- Level of air pollution is unsuitable for 100 dwellings.
- There would be noise pollution for the proposed residents despite 5m high fence.
- The development would result in the destruction of a walking area used by many of the village.
- The proposed site is close to the A50 and would experience loud traffic noise and air pollution. The Environment Agency have already said they would not support such an applications close to the road.
- Any attempt at noise attenuation is likely to make the noise carry further across the existing village, to the detriment of existing residents.
- There would be an increase in both noise and traffic while the site is being developed and once the houses are built.
- The front of our property, including bedrooms, currently looks out onto the land in question. To have houses there which, in turn would look out onto our property, reduces our privacy.
- The only ones who will profit from these proposals are the developer's and the farmers who sell the land.
- The location of this site has to be massively outside the noise level requirements which originally held constraints on developments next to the A50. The overriding arguments now seem to hinge on triple glazing, bunds and two meter walls.
- There are numerous omissions, misrepresentations and generalisations in the supporting documentation.
- We cannot see how a further development of up to 100 new dwellings and associated car parking spaces requested for in the planning application will help us move to a low carbon economy.
- DEFRA have previously stated that the noise generated by the A50 running alongside Doveridge is too high for further development to take place near the road.
- A significant increase in population may lead to an increase in antisocial behaviour such as vandalism, alcohol and drug misuse.
- Even following the construction of a bund and acoustic fence further amelioration will be required to achieve tolerable noise levels.
- The cumulative impact of all the proposed housing will compromise the ability of future generations to enjoy Doveridge.
- Since the proposed housing will be on the elevated part of the site, the noise will easily travel over the top of the hedging to reach the houses.
- Based on the level of new housing growth it will be difficult to integrate so many new families without engendering potential community division and loss of Doveridge community spirit.
- The removal of yet another of our green spaces will not enhance our physical and mental well-being.
- There is no mains gas in Doveridge, so most homes burn more polluting carbon containing fuels. A cold weather walk around some of the areas of Doveridge will detect the smells of burning oil, coal and wood.
- We are a thriving, mixed age village and do not need a huge artificial input to sustain us.
7. OFFICER APPRAISAL

7.1 Although an application for a larger housing development, which included land to be set aside for a doctor’s surgery 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 (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 National Planning Policy Framework (NPPF) sets out the Government’s planning policy for England.

7.4 It also remains the case that the District Council considers that it is able, based on up to date analysis of development that will come forward in the next five years to identify a rolling five year supply of housing land. Policies and strategic allocations within the deposit draft local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs (based on the Housing and Economic Development Needs Assessment (2015) by GL Hearn).

7.5 Policies and draft site allocations in the Deposit Draft Derbyshire Dales Local local are yet to be scrutinised at examination. They do, however, make appropriate provision for the delivery of housing to meet the Districts objectively assessed housing needs up to 2033 and the NPPF makes clear that the Government considers that local plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities.

7.6 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.

7.7 Given the status of the Deposit Draft Local Plan the remainder of this report will analyse the scheme against this guidance. In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and adverse impacts against one another and grant permission unless those adverse impacts significantly and demonstrably outweigh the benefits.

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 the consultee and public comments received the key planning issues that emerge are:
Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape;

Sustainability of location, scale and the impact on existing services and facilities;

Impact on local landscape character / the character and appearance of the locality

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

Whether there would be any highway safety implications

Residential amenity impacts for existing and proposed residents and impact of noise from the A50;

Affordable housing and housing mix;

The land to be set aside for a community facility, and;

Surface water drainage.

Impact of the development on medieval ridge and furrow earthworks, an undesignated heritage asset, below ground archaeology and the historic landscape

7.9 The loss of medieval ridge and furrow earthworks is considered by the Development Control Archeologist and raised in a number of representations received by the public. Paragraph 135 of the National Planning Policy Framework requires consideration of the impact of development on the significance of a non-designated heritage asset. It states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

7.10 The site contains earthwork ridge and furrow of medieval date (part of Derbyshire HER 19124), described as ‘a coherent block of the medieval field system of Doveridge, which survives in the fields north of the village’. The HER record covers almost all of the proposal site, with a small area (about 4.7ha) covered by a SHINE record (Natural England heritage inventory) for upstanding medieval ridge and furrow earthworks of ‘medium’ significance, suggesting that significant earthwork ridge and furrow survives at least in this part of the site. The applicant has carried out analysis of the ridge and furrow resource on the site. This has revealed that the ridge and furrow has been subject to arable cultivation in the recent past. It forms part of a wider landscape of earthworks that has become increasingly fragmented as parts are lost to ploughing and the Doveridge bypass has severed its direct relationship with this wider landscape. It is concluded therefore that the ridge and furrow resource on the site is of local significance only. The development of the site would, however, involve total loss of an area of this undesignated ridge and furrow earthwork resource. The historic landscape value of the site, comprising the evidential value of these earthworks along with the ‘important’ hedgerows surviving from enclosure of the medieval strip fields, would also be substantially lost. This loss is a disbenefit of the development and would need to be weighed against the public benefits (NPPF para 135).

7.11 With regard to below-ground archaeological remains the Development Control Archaeologist the site appears to be of very low potential, and there is no requirement for any further archaeological work.

Sustainability of location, scale and the impact on existing services and facilities

7.12 The site lies to the north east of Doveridge, approximately 300m from the village centre by road (at its southern boundary) where the shop, village hall / working men’s club and recreation ground can be found. The site is also 300m from the village school by road. Reference is made to the lack of pedestrian footways along Bakers Lane (the quickest route) in some of the representations received. There is, however, an alternative route to the school following the pedestrian footways along Derby Road and Sand Lane. The site is therefore within reach of the village centre and facilities it has to offer by foot, car and
cycle. The location of the site is therefore considered to be reasonably sustainable, insofar as access to these services and facilities is concerned.

7.13 A key concern with this application is the scale of new housing proposed and the impact that the development will have on existing infrastructure, particularly when considered in conjunction with other schemes for housing development, where it has been resolved that planning permission be granted and other sites allocated in the Deposit Draft Local Plan for housing.

7.14 The Derbyshire Dales Housing and Economic Development Needs Assessment (2015) identifies that the objectively assessed need for the whole of Derbyshire Dales, including areas within the National Park, for the period 2013 - 2033 should be 322 dwellings per annum or an overall figure of 6,440. Policies and strategic policies contained within the Deposit Draft Local Plan have been drafted on the basis of this requirement.

7.15 Policies in the Deposit Draft Local Plan envisage that most new housing development will be brought forward in the market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan). It is recognised ‘accessible settlements’ 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 acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes.

7.16 Within the Deposit Draft Derbyshire Dales Local Plan three sites are allocated for housing development in Doveridge. Committee have already resolved to grant planning permission for housing on the two larger sites. In addition to the site at Bakers Lane (up to 70 dwellings) this equates to 219 new homes being built in the village.

7.17 Doveridge is a village of some 600 houses. In addition to the modest range of services and facilities available within the village, it also benefits from good access to the A50 and from its proximity to Uttoxeter, with residents being able to readily access the full range of services it has to offer and employment opportunities. The planned level of growth within the village would equate to a 36.5% increase in the number of homes. Consultation responses received in relation to strategic infrastructure (other than from the Local Doctor’s Surgery) indicate that the village could sustain this level of growth.

7.18 The level of planned growth combined with the level of housing proposed as part of this application would amount to a 53.2% increase in the number of homes. This level of growth would significantly alter the character of the village and put significant pressure on existing services and facilities, including local schools and the local doctor’s surgery. The County Council have indicated that whilst there is capacity within the village primary school, secondary schools to accommodate the amount of planned housing growth, the additional demand generated by this development would result in the need to fund 15 secondary places and 6 post-16 places at Queen Elizabeth's Grammar School. The primary school will also be at capacity when the decision on the allocated site at Cavendish Cottage is released. Furthermore and notwithstanding the consideration of land to be set aside for a community facility later in this report, the surgery at Sudbury have advised that they will already need to extend their premises to accommodate the increase in population as a result of the planned amount of new housing in the village.

7.19 Concern in relation to sewerage and water supply has also been raised. The capacity and connection to existing network water and sewage network is a matter which will need to be agreed with sewage authority through negotiation and as part of the building regulations process and would not constitute a reason for refusing the application.
The lack of gas connection in the village has been raised as a concern. Again, this is a matter which would be considered and agreed as part of the building regulations process and would not constitute a reason for refusing the application.

*Impact on local landscape character / the character and appearance of the locality*

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. Policy NBE8 seeks to protect the character of local landscapes.

Policy PD5 ‘Landscape Character’ of the Deposit Draft Derbyshire Dales Local Plan seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment. The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as being of medium sensitivity to new housing development, although part of the site at the eastern end crosses into an area of high sensitivity.

A key concern with the previous application was the impact of the development on the local landscape and rural setting of Doveridge, a key environmental attribute of the settlement. Following the decision of the applicant to appeal against non-determination of the application and the resolution of members that they would have refused permission on such grounds had they been empowered to do so at committee, the District Council sought independent advice from a Landscape Consultant. The appointed Landscape Consultant agreed with the Council that the original development would result in significant harm to the character and appearance of the local landscape and setting of Doveridge.

This Independent Landscape Consultant has been instructed to represent the District Council at the Public Inquiry has been asked to comment on this reduced scheme.

The Independent Landscape Consultant has carried out a detailed critique of the Landscape Visual Appraisals (LVAs) which accompany both applications and identified key areas of difference. The assessment which accompanies this application relies on the assessment in the Landscape Sensitivity Study that the fields immediately to the north of Derby Road have a low visual prominence and are semi-enclosed. The LVA also refers to the SHLAA analysis which advises that there may be some capacity for housing development on land to the south and west of SHLAA site 347 ‘if appropriate and sufficient measures are included to mitigate any adverse impact.’ The overall effects of this application scheme are assessed in the LVA as being minor adverse and that there is no unacceptable landscape or visual effects. This is the same conclusion reached in respect of application code ref. 16/00095/OUT despite the reduced scale and retention of agricultural land to the north towards the A50.

In the view of the Independent Landscape Consultant the levels of effect assessed in the LVA which accompanies this application have been underestimated both in terms of effects on the landscape character and effects on a number of locations for visual receptors. Whilst the assessment of effects within an LVA may result in some differences in professional judgement between practitioners, the LVAs findings of at most minor adverse effects (even within the site itself and in close proximity from High sensitivity
receptors) appears in the Consultant’s opinion to understate the effect of introducing a 100-unit residential scheme on the site.

7.27 The Consultant considers the proposed development would involve creating a built frontage to Derby Road and Babbs Lane by the introduction of residential development to the existing open countryside frontage. This would result in the loss of publicly accessible rural views over the site and also the loss of more distant views to the north-east towards the high ground by Somersal Herbert which are unaffected by the presence of the A50 which is in a cutting. The introduction of the proposed development would result in the permanent loss of the important local characteristic provided by the site where rural land extends inward to the village up to Derby Road. The adverse effect of this change would be just as great for this application as for the first application as the association with the rural landscape beyond would be removed by introducing built development along the Derby Road and Babbs Lane frontage.

7.28 Whilst it is agreed that the visual envelope of the reduced application is relatively contained there are still important outward views to the east towards Somersal Herbert which reinforce the connections to the wider countryside. He considers that the introduction of built development and a substantial attenuation bund with a fence and planting would remove these existing wider links as appreciated both from Derby Road and within the site. They also consider that there are also some local views from Marston Lane across the site, not identified in the LVA, where built development would intrude into the rural village edge.

7.29 It is noted that the site access for the development, the subject of this application, is shown in an identical location to that for the first application and would consequently have the same adverse physical and character effects on Babbs Lane by the removal of circa 140m of boundary hedgerow and associated trees. It is considered that the introduction of a wider road with footpaths would cause significant harm to the character of the existing narrow country lane which is an important characteristic feature of the village.

7.30 In terms of the landscape character effects it is considered that the development would have a materially harmful landscape character effect on the setting of the village. It is considered that the development would result in the erosion of the legibility of the pattern of historic fields and hedgerows and a change of land use from agricultural fields to residential element and that there would be harm caused to the traditional rural edge of this part of the village that is a particularly important characteristic of Doveridge. Other recently approved schemes within the village are considered to be more contained. It is also considered that the proposals would result in a significant adverse effect on the character of Babbs Lane, from Derby Road up towards Rose Cottage through the removal of the hedgerows and hedgerow trees and the widening of the road. Babbs Lane is representative of the narrow countryside lanes that are characteristic of the settled farmland landscape type. It is recognised that the level of harm to local landscape would be particularly noticeable from Derby Road and the public footpaths, which cross the site.

7.31 Despite the reduction in the number of dwellings and site area it remains therefore that the development would intrude into a significant part of the countryside that makes a positive and significant contribution to the rural setting of the village and would have an adverse impact on landscape features which contribute to the rural character of Babbs Lane, causing significant harm to the character and appearance of the local landscape. This level of environmental harm weighs heavily against the development.

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

7.32 As with the previous application, an important issue to consider in respect of this application is the impact of the development on landscape features, such as trees and
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. Existing public rights of way are shown to be retained and enhanced, connecting across the site via green corridors that link to the wider surroundings on the indicative masterplan. Most of the existing trees and hedgerows are also shown to be retained.

7.33 In order to accommodate the level of development proposed Babbs Lane will need to be widened for a distance of some 140m into the site. This will require removing a mature hedge and hedgerow trees which contribute to the rural character of the lane. The extent of modifications necessary, including the introduction of new footways and lighting along the lane will cause significant harm to the character and appearance of this part of the village. The loss of these landscape features and the impact on the character of the lane is an environmental dis-benefit that will need to be given weight in the overall planning balance.

7.34 It is noted that the existing public footpaths are shown to be retained through the development in corridors of open space, which will include the existing hedgerows. Housing development on either side of these important landscape features could cause harm, particularly if their management and future protection fall within domestic curtilages. The important historic hedgerow pattern should be safeguarded within areas of public open space. This could, however, be appropriately addressed by condition.

7.35 The applicant proposes to introduce significant areas of new green infrastructure in addition to retaining the vast majority of existing trees and hedgerows on site. Subject to these existing hedgerows and trees being retained within undeveloped landscape buffers and not incorporated within the curtilage of domestic dwellings they will continue to provide important wildlife habitat. Several trees have been identified as containing features that provide suitable opportunities for roosting bats and nesting birds, which the applicant has advised would be retained. The survey work carried out by the applicant confirms that Great Crested Newts are unlikely to be impacted by the proposed development. Subject to conditions to protect breeding birds from harm during the development, the undertaking of a further survey to establish the presence or otherwise of badger on the site during the optimal survey period and conditions which secure the future maintenance and management of the development’s formal public landscape and a landscape and ecological management plan it is considered that the proposed development would have a neutral ecological impact although some benefits may be derived through new habitat creation.

Whether there would be any highway safety implications

7.36 Representations received from the public point to the inadequacy of Babbs Lane to accommodate the level of development proposed, the speed of vehicles travelling along this part of Derby Road, problems of traffic in the village and lack of access to public transport. To accommodate the development significant modifications to Babbs Lane would need to be carried out, including the widening of the road, formation of new footways and street lighting etc. Notwithstanding the harm to the character of the lane discussed earlier in this report, the Local Highway Authority are satisfied that with such modification the lane would be capable of accommodating the reduced level of development proposed and that the point of access onto Babbs Lane would be acceptable in highway safety terms.

7.37 The Local Highway Authority also advise that a review of the speed limit on Babbs Lane should be undertaken with a view to relocating the 30mph restriction. A developer contribution of £7500 in addition to £5000 towards the monitoring of a travel plan would be required to fund the necessary processes involved in achieving this and to make the development acceptable in planning terms.
7.38 The indicative masterplan shows the route of the public footpaths which cross the site to be retained on their current legal alignment.

*Residential amenity impacts for existing and proposed residents and impact of noise from the A50*

7.39 A number of public representations received raise concerns with noise levels (from the A50) in the locality and the potential for this to impact on the amenity of future residents. Whilst concerns are raised from existing residents of properties along Babbs Lane regarding loss of amenity, housing could be laid out on the site so as to not adversely impact on the residential amenity of the occupants of those dwellings.

7.40 The main area of open space on this scheme is located to the east of the development closer to the A50. This area is therefore in a relatively noisier and less desirable location in terms of the amenity of users.

7.41 The applicant proposes to construct a noise attenuation bund and fence to help mitigate noise nuisance from the A50. They advise that once installed the bund/fence combination and the proposed dwellings will provide some useful noise screening from road traffic from the A50 and at some of the existing residential receptors near the development site, off Derby Road and Babbs Lane. The site extends up to the A50 and traffic noise is audible over the entire site. In order to attenuate noise to such an extent to not have a detrimental impact on future residents a bund and acoustic fence will be necessary, in addition to other attenuation methods, such as enhanced glazing and acoustic ventilation. Careful consideration will also need to be given to the layout and positioning of dwellings on a plot by plot basis. Whilst the Principal Environmental Health Officer is satisfied that subject to adopting such control, noise from the proposed dwellings could be within acceptable limits, the proximity of the site to the A50 is a concern and traffic noise from the A50 is a significant constraint to development on site.

*Affordable housing and housing mix*

7.42 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 …….”

7.43 Policy HC11 of the deposit draft Local Plan advises that the provision of market housing should be focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%.

7.44 As the application is for outline consent, a development, which achieved the above mix / was committed to the delivery of smaller dwellings would be possible.

7.45 With regard to the level of affordable housing to be provided the applicant has clarified that 35% of the dwellings would be delivered as affordable units on the site to meet the requirements of Policy HC4 and the evidence base which underpins this.
The land to be set aside for a new community facility

7.46 The Applicant had intended to set aside land for a new doctor’s surgery which was identified by the Application documentation as being a key benefit of the scheme. They advise that it was highlighted from public consultation that the village does not have any primary care (GP) facilities. However, following consultation responses received from the doctor’s practice at Sudbury and East Staffordshire CCG, it is clear that there is no interest in having a branch site at Doveridge. Realising that it was unlikely that the land would be developed for such a purpose, the Applicant has requested that the application be amended and the land be set aside for a new community facility.

7.47 Whilst the residents of Doveridge would likely benefit from a new community facility, without any commitment from an end user or understanding as to what this community facility would be, only limited weight can be attributed to the benefits of this element of the scheme.

Surface water drainage

7.48 Subject to securing detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and information to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000 the Local Planning Authority is satisfied that surface water from the site can be appropriately drained, without the risk of flooding on site and in the local area.

The Planning Balance

7.49 Housing Policies contained within the Adopted Derbyshire Dales Local Plan (2005) are considered to be out of date and housing policies and land allocations in the deposit local plan cannot be attributed full weight at this time, as they are yet to be scrutinised by an Inspector at examination. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.50 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, it is considered that reduced weight can be attributed to delivery of 100 new homes, in addition to existing commitments and strategic allocations in Doveridge in the overall planning balance.

7.51 The social benefits in this case would be limited to the delivery of land to be set aside for a new community facility and the delivery of housing including affordable housing at 35%. Without any commitment from an end user or details as to what this community facility would be and on the basis that policies in the deposit draft local plan will secure appropriate provision for housing, including affordable in appropriate locations / allocated sites, it is considered that in combination only limited weight can reasonably be attributed to such benefits at this time. The scale of the development and its unwarranted impact on existing infrastructure would be a social disbenefit of the development.

7.52 The economic benefits would be limited to employment generated during construction and the benefit to businesses within the village from additional resident spend. The applicant considers the New Homes Bonus to be a significant economic benefit, which can be
attributed to the development. On the basis that the proposed development is not required to meet the Districts objectively assessed housing needs, it is not considered that the economic benefits identified above can be attributed any significant weight.

7.53 In environmental terms, the development would intrude into a significant part of the countryside that makes a positive and significant contribution to the rural setting of Doveridge, a key environmental attribute of the settlement and have an adverse impact on landscape features which contribute to the rural character of Babbs Lane, causing significant harm to the character and appearance of the local landscape. Although the applicant points to the ecological benefits and the benefits of providing a large area of open space, the site is already accessible to the public and used frequently by walkers and wildlife. Whilst the noise attenuation measures may bring noise levels from the A50 down to acceptable limits for future occupants of the dwellings, there is no substantive evidence to suggest that there would be any significant wider benefits to the local community.

7.54 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF, it is considered that the level of environmental harm i.e. to the character and appearance of the local landscape and setting of the village identified above would significantly and demonstrably outweigh the benefits of the proposal in this case and the proposal should be refused on this basis.

OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The nature and extent of development would be a substantial and prominent encroachment into a part of the countryside where that land makes a positive and significant contribution to the rural setting of Doveridge. The proposals would have an adverse impact on landscape features, which contribute to the rural character of Babbs Lane and cause significant harm to the character and appearance of the local landscape and setting of Doveridge contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) 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:
Application Form and Certificate;
1:2500 Scale Site Location Plan numbered 6811-L-06-C;
1:1000 Scale Proposed Access Plan P16063-002;
Development Framework Plan by FPCR;
Landscape & Visual Assessment by FPCR;
Transport Assessment by Gladman;
Proposed Access Drawing prepared by Prime;
Travel Plan by Prime;
Ecological/Biodiversity Report by FPCR;
Arboricultural Assessment by FPCR;
Phase I Site Investigation Report by LK Consult Limited;
Flood Risk Assessment (FRA) by LK Consult Limited;
Foul Drainage Analysis Report by Utility Law Solutions;
Air Quality Screening Report by Wardell Armstrong;
Noise Assessment by Wardell Armstrong;
Archaeology Report by CgMs;
Socio-Economic Impact Report by Gladman;
Statement of Community Involvement by Gladman;
Planning Statement by Gladman;
Affordable Housing Statement by Levvel;
Bat Survey Report by FPCR, and;
Transport Assessment Technical Addendum by Prime received by the District Council on the 6th and 7th December 2016, and;
The letter from the applicant dated 27th February 2017 requesting to change the description of development, and;
The email from the applicant confirming a commitment to provide 35% affordable on site dwellings received by the District Council on the 2nd March 2017.
### APPLICATION NUMBER
16/00922/OUT

### SITE ADDRESS:
Land East of Derby Road, Doveridge

### DESCRIPTION OF DEVELOPMENT
Residential development of up to 14 dwellings and access (Outline)

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>Mr Chris Whitmore</th>
<th>APPLICANT</th>
<th>Roche Enterprises Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARISH</td>
<td>Doveridge</td>
<td>AGENT</td>
<td>RCA Regeneration Ltd</td>
</tr>
</tbody>
</table>

### WARD MEMBER(S)
Cllr. A. Catt

### DETERMINATION
20th March 2017

### REASON FOR DETERMINATION BY COMMITTEE
Major development

### 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 development on the character and appearance of the area / local landscape
- Highway / pedestrian safety
- Developer contributions and the impact of the development on existing infrastructure
- Impact of the development on the residential amenity of the occupants of existing dwellings and the potential noise implications from the A50
- Impact on ecology
- Drainage
- Housing mix

### RECOMMENDATION
Refusal

At the request of Officers to allow Members to fully assess the impact of the development on the local environment.
16/00922/OUT

Land East of Derby Road, Doveridge

Derbyshire Dales DC

Date: 02/03/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 731100.
website: www.derbyshiredales.gov.uk
1.0 THE SITE AND SURROUNDINGS

1.1 The site comprises an agricultural field, some 0.6ha in area to the south east of Doveridge, off Derby Road (see photograph 1). It lies immediately to the north of Bell Cottages which form part of a small cluster of dwellings that have developed on both sides of Derby Road at its junction with Bell Lane (see photograph 2).

1.2 Along the site frontage is a grass verge, timber post and rail fence and hedge (see photograph 3). The northern boundary is defined by an agricultural access track with associated hedgerows and a substantial belt of young woodland attached to a neighbouring property. To the east the boundary is unenclosed with open and expansive countryside beyond, though a feature of the landscape on this side is the main A50 which runs in a cutting some 300 - 400 metres from the site.

1.3 On the western side of Derby Road the site is separated from the core of the village by an expanse of parkland associated with the Manor House, a Grade II* Listed Building.

1.4 The local topography is less undulating/rolling than the Landscape Character Type, but characteristic of this area on the eastern flank of the Dove Valley where the ground rises steeply to form a distinct escarpment before gradually falling away to the east forming a series of incised valleys. The field and its neighbours to the east are on the back side of the scarp, (which is prominent feature of the village) and falls gently towards Brocksford Brook in the east. It is an open landscape affording potential long views through it from higher ground associated with Somersal Herbert.

1.5 Access to the site is at the south western corner, on the boundary with no. 1 Bell Cottages (see photograph 4).
2.0 DETAILS OF THE APPLICATION

2.1 This application follows the refusal of outline planning permission to erect 17 no. dwellings on the land at committee on the 15th March 2016 (under application code ref. 15/00886/OUT) and seeks outline planning permission to erect up to 14 no. dwellings on the site, with all matters reserved for subsequent approval.

2.2 The applicant had sought to agree access, however, a request for more information and amendments to the indicative layout from the Local Highway Authority has resulted in the applicant requesting that access be withdrawn at this stage.

2.3 An indicative site layout plan accompanies the application, which shows a mixture of terraced and semi-detached dwellings along the Derby Road frontage. Woodland planting is shown along the eastern boundary. The plan indicates that the dwellings will be serviced off a single access road, extending into the central part of the site and branching north and south to parking to the rear of the dwellings.

2.4 The applicant advises that the proposal includes an extension to the pedestrian footway along Derby Road and a dropped kerb crossing point to create a safe crossing point to the other side of Derby Road, where there is a PROW to the centre of the village.

2.5 In the centre of the site is a small ditch which is subject to some surface water flooding. The proposals show this area to be included within the gardens of the dwellings. The applicant advises that a drainage strategy will be submitted as part of a reserved matters application to address how the development can mitigate the surface water run-off rates within the site. A balancing pond positioned at the northern end of the site is seen as a potential solution. The applicant also advises that the wooded area will also provide some natural mitigation.

2.6 The following comments in support of the application are made the Planning, Design and Access Statement:

- The proposals represent a modest and proportionate addition to the village and have been prepared partly in response to a need for sustainable development within Derbyshire Dales District, against a backdrop of a persistent lack of what we consider to be a 5-year housing land supply.

- The development proposals are aligned to the NPPF in that they constitute sustainable development. The development proposals would result in up to 14 new dwellings, including 4 affordable dwellings (although elsewhere in the statement reference is made to the delivery of 3 units). The site is located in a sustainable location that is well suited to proportionate residential development, within walking distance of the facilities in Doveridge, which provides transport links to towns and cities further afield.

- With the woodland proposed along the eastern boundary of the site, the proposal would have a minimal impact on the long distance views into the site and the village. Whilst the cluster is presently detached from the village core, the edges of the village are ‘flexing’ to meet the need for more housing and the recent grant of planning permission for 70 dwellings on land opposite the site will fundamentally change the relationship between the site and the rest of the village. The impact on the local landscape character will be highly localised and very limited.

- The site has no significant ecological constraints and the site has little current vegetation within it.
2.7 In addition to the Planning, Design and Access Statement the application is accompanied by a Landscape and Visual Appraisal and the same Phase 1 Habitat Survey and Highway Impact Statements which accompanied application code ref. 15/00886/OUT. 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.

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
- H4 Housing Development Outside Settlement Frameworks
- H9 Design and Appearance of New Housing
- H12 Alternative Provision for Affordable Housing Outside Of Settlement Frameworks
- NBE5 Development Affecting Species Protected by Law or are Nationally Rare
- NBE7 Features Important in the Landscape
- NBE8 Landscape Character
- NBE12 Foul Sewage
- NBE26 Landscape Design in Association with New Development
- 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 (August 2016):

- S3 Settlement Hierarchy
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodland
- PD8 Flood Risk Management and Water Quality
- HC1 Location of Housing Development
- HC4 Affordable Housing
- HC11 Housing Mix and Type

3.3 Other

National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY

4.1 15/00886/OUT - Residential development of up to 17 dwellings (outline) - This application was refused at committee on the 15th March 2016 for the following reasons:

1. Residential development of up to 17 dwellings on the site, which is poorly related to the main settlement, arranged around a centrally positioned service road would be out of scale and context with the small cluster of buildings in this location and would represent a prominent encroachment into the countryside, harmful to the character and appearance of the landscape / surrounding area. This harm to the landscape / character and appearance of the surrounding area would significantly and demonstrably outweigh the limited benefits of the proposal in this case, contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
2. The application as submitted is not accompanied by sufficient information to demonstrate that the level of development can be accommodated on site and appropriate drainage put in place to prevent surface water flooding on the site and in the local area contrary to guidance contained within the National Planning Policy Framework (2012).

The applicant lodged an appeal to the Planning Inspectorate which was dismissed on the 29th July 2016. This decision is reflected on in the main body of this report.

5.0 CONSULTATION RESPONSES

5.1 Doveridge Parish Council:

The Parish Council objects to this proposal for the following reasons:

- The proposal would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to saved Policy SF4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

- The proposal would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to saved Policy H4 of the Derbyshire Dales Local Plan 2005 and the policies of the National Planning Policy Framework.

- Insufficient evidence has been provided to demonstrate that the site and any future occupiers would not be adversely affected by noise pollution from the A50 to the north. In the absence of such evidence it is considered that the development would be contrary to the National Planning Policy Framework and National Planning Practice Guidance.

- The Council on its recently released SHLAA map has designated the site as undevelopable.

5.2 Local Highway Authority:

The Highway Authority raised no objections to the previous application for 17 dwellings at this site subject to recommended conditions.

Whilst this current application has reduced the number of dwellings and amended the internal layout of the residential development and car parking spaces, the proposed access road is the same.

Derby Road is subject to a 30mph speed restriction, however during a site visit back in 2016 it was evident passing vehicle speeds are regularly exceeding the speed limit, presumably due to Derby Road’s straight alignment, good forward visibility significant carriageway width and wide highway margins. This is reflected in the speed reading results within the Highway Impact Statement, which states the wet weather 85%ile readings are 40.27mph for vehicles travelling in the north western direction and 39.73mph for vehicles travelling in the south eastern direction.

In accordance with current design guidance, these speed readings result in recommended emerging visibility splays of 2.4m x 102m to the north west and 2.4m x 104m to the south east. These sightlines are achievable, however they should be illustrated on a detailed drawing prior to determination. A wheel tracking drawing should also be illustrated to ensure large delivery and refuse vehicles can enter and exit the site without the need to cross over the centreline on Derby Road.
Internally, drawing number 1225-003 Rev D illustrates all 14 dwellings being served via the one central, 5m wide access from Derby Road. At least 2 car parking spaces are being provided for each plot and adequate space seems to be available for service and delivery vehicles to turn within the site however this should be clarified on a detailed swept path drawing prior to determination. A minimum of 5.5m clear depth should be provided where the parking spaces are served directly off the internal road, so the carriageway width behind plots 1-10 should be a minimum width of 5.5m. Again, this should be illustrated on an amended drawing prior to determination.

The applicant is proposing to construct a pedestrian crossing on Derby Road to link pedestrian to the existing footpath on the opposite side. Forward visibility for both pedestrians and drivers on Derby Road is well in advance of minimum recommendations so the Highway Authority has no objections to this. A 2m wide footway is being provided across the site frontage, linking the access into the existing footway to the south.

Therefore, subject to the recommended minor amendments being made as outlined above and 11 conditions and advisory footnotes in the interests of highway safety, the Highway Authority has no objections.

5.3 Derbyshire County Council (Land Drainage)

Have issued a holding objection on the basis of inadequate information submitted with regard to drainage.

The Local Drainage Authority have requested the following information to demonstrate that the site is able to drain and that due consideration has been given to the space required on site for surface water drainage in respect of this major application:

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

5.4 Derbyshire County Council (Strategic Planning)

Advise that the Local County Councillor comments as follows:

“I still feel that Doveridge is being over developed and the infrastructure is being over stretched”

Request that the development be afforded access to high speed broadband services and £34,352.34 towards the provision of 2 secondary places and £18,627.90 towards 1 post 16 place at Queen Elizabeth’s Grammar School.

The County Council advise that above contributions would be pooled towards project D - extension to teaching accommodation.

It is considered that there is capacity within the new primary school to accommodate pupil numbers generated from the development and other sites coming forward in the area.

5.5 Landscape Design Officer (Derbyshire Dales)

Notwithstanding the slight reduction in numbers or the proposal to plant a screening belt of trees on the eastern boundary (which will take many years to become effective) the revisions are not sufficient to overcome my concerns regarding the significant adverse impact on local landscape character, visual amenity and settlement pattern that is likely as a result of this development.
They append their comments in respect of the original application to their consultation response.

5.6 **Derbyshire Wildlife Trust (DWT)**

Advise that adequate ecological survey work has been undertaken in support of this planning application for the Council to determine it. A series of conditions are recommended if the Council is minded to grant permission.

### 6.0 REPRESENTATIONS RECEIVED

#### 6.1 A total of 14 representations have been received from local residents, 13 of which object to the proposed development and 1 states that as long as their right of way is not obstructed in any way they have no objections.

In objecting to the proposed development, the following comments are made:

**Principle**

- The site is outside the settlement framework boundary and therefore the development is contrary to saved policies SF4 and H4.
- The development is contrary to the advice given in the NPPF.
- Planning permission has already been refused for 17 and 2 dwellings on this site.
- 3 sizeable planning applications have already been agreed for Doveridge. Whilst the numbers sought as part of this application are relatively small they cannot be considered in isolation.
- This application is very little different from the previous application for 17 houses, which was refused and dismissed by the Inspectorate, merely omitting 3 houses and adding a tree screen.
- The Inspectors reasons for dismissing the appeal for 17 houses are still valid.
- Development of this site would lead to the loss of an open area of land.
- How does a development of 17 dwellings with associated parking and traffic help the move to a low carbon economy?
- This is a greenfield site. There are numerous brownfield sites that could be used.
- Quantity of houses is far too high for such a small site.
- Planning permissions which have been passed is way and above what this village can sustain whilst keeping its existing character.
- Doveridge has already provided more than enough housing sites to meet the planning requirements for the next local plan.
- Development in this location is not sustainable due to the lack of facilities and very limited public transport system.
- The cumulative effect of 219 dwellings already being allocated to the village cannot be ignored.

**Access / Highway Safety**

- Bell and Bakers Lane which provide the nearest access routes to the centre of the village from the site are largely single file lanes without pedestrian footways.
- Access to the site is between the new Bakers Lane site and Steve Fosters Crane Hire accesses. How many accesses can this short stretch of road support.
- The volume of new traffic and cars parked on the road will prove a hazard to cyclists and to vehicles exiting the Bell Lane junction.
- 14 dwellings would result in a significant increase in traffic near to an already difficult road junction.
• The vehicle volume traffic associated with 14 dwellings is likely to mean excessive traffic at the junction with Derby Road.
• The associated volume of traffic will bring about congestion at the junction with Derby Road and will alter the quiet residential atmosphere of the village, affecting existing dwellings and recreation areas in the village.
• The roads leading into Doveridge are in a bad state of repair. With all the extra traffic they will need considerable funds to correct.
• Derby Road is part of a national cycle route, 549, which will become dangerous to cyclists.
• It will be hazardous to cross Derby Road to reach the village centre and unpleasant to use its footpaths, the walking route around the village has always been enjoyed by residents.

**Drainage / Flooding**

• Derby Road is known to flood in the vicinity of the entrance of Fosters Crane Hire. How will this loss of a green field site and the tarmac replacement of a development impact on flooding?

**Pressure on Local Services and Facilities**

• When does the limited infrastructure cease to support the size of the village?
• The village school is small and only has a restricted number of places available. The village shop is equally small and has associated parking issues as it is at the centre of the village.
• The sustainability of Doveridge is largely dependent on the village’s close proximity to the town of Uttoxeter which itself is undergoing significant growth.
• The villages population is very much transport reliant. Public transport is limited.
• There are very few amenities and facilities in Doveridge. Realistically any new occupiers would have little choice other than to drive in private cars to Derby, Stoke or Uttoxeter for day to day provisions and services.
• Existing foul drainage in the east of the village is already inadequate.
• The village is not supplied by gas.
• There are no medical facilities in the village.
• The school is too small.
• There is only one shop which means that people will have to travel to other towns.
• Public transport is minimal to surrounding towns which means there will be a much larger volume of traffic.
• What will be the overall effect on drainage, sewage, broadband speeds, electricity supply, school places and additional traffic on village roads?
• The design and access statement glosses over potential problems.

**Noise**

• The applicant has not reviewed the effect of noise levels from the A50. The noise levels will serve to make life unpleasant for the occupants of the houses.
• Any reduction in noise levels from the woodland belt would still leave an unacceptable noise level from the road for the new occupiers.

**Impact on character and appearance**

• Development is not in keeping with the surrounding properties which are very much ribbon developments and not site developments.
• The field concerned is a green field on the edge of and at the entrance to the village from Sudbury direction. It is vital to the beauty of the village that the village retains its
greenery, does not spread and instills the right image of a country village to people accessing the village.

- A modern housing development on the edge of the village replacing a green field is very much not in the interests of the village and is not what the inhabitants on the village want.
- The Bakers Lane site referred to is on the other side of Derby Road which is a very significant to the containment and spread of the village.
- The Planning Inspector, in response to the Appeal against placing two dwellings on this site wrote "The Council's Landscape Sensitivity Study identifies the location of the site as highly sensitive to new housing development. I agree with the appellant that this does not rule out residential development but requires individual appraisal of development proposals". If the site was 'highly sensitive' to new housing development and this was a concern when two dwellings were proposed, how much more so must this be the case when 14 dwellings are proposed?
- This development would result in the loss of yet another green field and a pleasing country vista which would have a marked impact on the appearance of the village to those visiting it and living and working within it.
- The planned buildings would both diminish the striking view and be prominent from most from most angles within the village and is out of keeping with the village’s strong historical and archaeological and agricultural roots.
- The effect of the proposed planned housing development, its density and the possible overdevelopment of the site will have an adverse impact on the character of the neighbourhood and the residential amenity of its neighbours.
- The development will result in the destruction of the view from Derby Road across open countryside towards Somersal Herbet (the A50 being mostly unseen in a cutting). Hiding open landscape behind camouflaging trees is not a replacement.
- A ribbon development along a main entrance into a village will give the impression of entering an urbanised area, not a village. The applicant claims that 14 houses would be part of a small cluster of properties around Bell Cottages. This is not the case. The small cluster would stretch into “the milky way” with 14 extra homes.
- Building on this site will have a major impact on the approach to this rural village whose character is defined by outlying farms and a few historical dwellings dotted amongst open fields, hedges and trees leading up to the village proper.
- Filling in this valued green open space would substantially harm the landscape. The addition of a woodland belt would complete the negative effect.

**Other matters**

- The proposed development sits right next to our boundary line. All privacy and security will be completely compromised.
- A large scale development on this field will inevitably include numerous street lights. Derby Road has been subjected to the distasteful LED white street light. Where this may prove to be a cost cutting exercise these LED lights can cause serious health issues.
- The Design and Access Statement is inconsistent and contradictory.
- The application fails to provide correct information and instead has an elevation plan for a storage and office buildings at Cavendish Lodge and Lewis Transport and a document that relates to “The Principles for Using Woods for Shelter”.
- The adverse effect on the residential amenity of neighbours, are by reason of (among other factors) noise, disturbance, overlooking, loss of privacy and overshadowing.
- There is a listed building in the locality. The development would have an adverse impact on the setting of this building.
- The development will increase noise and air pollution.
- The application does not take into account the likely impact with the community, emanating from what will be a ‘closed enclave’.
The proposal does not discuss how electricity supply will be developed to cater for this estate.

The proposal offers minimal information on parking, building profile and footpaths and bridleways.

There is no gas in Doveridge, so less clean fuels are burned resulting in more pollution.

The houses are being located where commuters will use cars for travelling to work, because of a slow hourly bus service.

7.0 OFFICER APPRAISAL

7.1 This application follows the refusal of outline application for up to 17 dwellings on the site at committee on the 15th March 2016 and a subsequent appeal which was dismissed by the Inspectorate on the 19th July 2016. The main issue to assess, having regard to the previous reasons for refusal and Inspectors decision is the effect of the development on the character and appearance of the area. Although lack of information in relation to the effect of the proposed development on surface water flooding was cited as a reason for refusal in respect of the application for 17 dwellings (application code ref. 15/00886/FUL) the appeal inspector concluded on this issue that there was no firm evidence to suggest that a suitable drainage scheme could not be accommodated on the appeal site nor that such a scheme would be inappropriate and that the development would not have a harmful effect on surface water flooding on the site itself or surrounding area.

7.2 It remains that 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.

7.3 At the time of considering the scheme for 17 dwellings (which was refused and dismissed at appeal) the Local Planning Authority did not consider that it could demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). Since the determination of this application and consideration at appeal, the Local Planning Authority is now able, based on up to date analysis of development that will come forward in the next five years identify a rolling five year supply of housing land. It is also the case that policies and strategic allocations within the deposit draft local plan will also provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs.

7.4 It is acknowledged that policies in the deposit draft Derbyshire Dales local are yet to be scrutinised at examination and policies and strategic land allocations contained within it cannot be given full weight at this time. 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. 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 remainder of this report will analyse the scheme against this 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.

**Sustainability of location and density**

7.6 The Local Planning Authority maintains that although the existing properties which line both sides of Derby Road in this location are removed from the main built up part of Doveridge, the site is within reach of the village centre and facilities it has to offer, including a shop, village hall / working men’s club, recreation ground, pub and primary school. The applicant proposes to form a pedestrian crossing on Derby Road to link the new footway proposed along the site frontage to the footway on the opposite side of the road. Although a number of local residents have pointed to the fact that there are no footways along the roads forming the most direct route into the village centre, there will be opportunity to walk along the footway following the route of Derby Road and Sand Lane. Although slightly longer, the distance would be within reasonable walking distance of the services and facilities the village has to offer. The location of the site is therefore considered to be reasonably sustainable, insofar as access to services and facilities within Doveridge Village is concerned.

7.7 Reference is made in the public comments received to the amount of new housing development that has already come forward in the village. The Deposit Draft Local Plan envisages that most new housing development will be brought forward in the main market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan - Policy S3). It is recognised that ‘accessible settlements’ 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 acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes. Doveridge is a substantial village of some 600 houses. It has good access to the A50 and benefits from its proximity to Uttoxeter. Although most people would need to travel to access employment and services such as doctors and dentists, other existing village amenities would benefit from a modest increase in population. The erection of 14 dwellings on the site would be in addition, however, to the sites allocated within the emerging local plan. Whilst the additional development in itself would not undermine the villages role as an accessible settlement, there remains significant concerns with regard to impact of new housing development in this location on the rural setting of the village, which is a key environmental attribute of the settlement, particularly as there is no requirement for the development in terms of meeting the Districts objectively assessment housing needs and the council are able to demonstrate a rolling five year housing land supply.

**The impact of development on the character and appearance of the area / local landscape**

7.8 As previously stated the main issue to assess, having regard to the previous reasons for refusal and Inspectors decision is the effect of the development on the character and appearance of the area.

7.9 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. Policy NBE8 seeks to protect the character of local landscapes.
7.10 Policy PD5 ‘Landscape Character’ of the Deposit Draft Derbyshire Dales Local Plan (August 2016) seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment. The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as highly sensitivity to new housing development.

7.11 The site is located at the entrance to the village but set apart from it in open countryside. In this respect development here would represent an intrusion into the countryside and there would be adverse impact on local landscape character as a result. The applicants’ LVA concedes that the development site is in open countryside, outside the village. There is a clear break between the existing small cluster of buildings and the main body of the village from which it is separated by agricultural fields and parkland associated with the listed building at Manor House. Although the development would not impact on the setting of the listed building the openess of this area is an important characteristic of the area / local landscape. Physical separation is supported by visual screening provided by the many mature trees within the parkland, a strongly growing roadside hedge and vegetation associated with a field access track to the north. This will remain the case once development at the site to the north west is in place. All other sites referred to in the LVA are on the edges of the settlement rather than outside it and much more closely associated with, if not attached to, the main body of the village. This view was supported by the appeal inspector in the consideration of the scheme for 70 houses at Bakers Lane. The inspector considered that the appeal site was a key transitional point in the streetscene where the character of the area changes.

7.12 The appeal inspector considered that due to the flat open nature of the appeal site and surrounding fields and the rising topography of the area, the surrounding countryside was visible in wide and expansive views across the appeal site from several public viewpoints along Derby Road and the surrounding public footpath network. They went on to state that whilst the flatter fields close to Derby Road, including the appeal site, may not have particular landscape features of note, they are viewed as an integral part of the wider landscape and play an important role in establishing and enhancing the open, rural character of the area.

7.13 The appeal inspector concluded in respect of the application for 17 dwellings that the development would seriously detract from the existing open appearance of the appeal site and would be significantly harmful to its integral role in contributing to and enhancing the rural character of the area.

7.14 In support of this application the applicant points to an appeal which was allowed for two houses beyond Bell Cottages and Villas. In allowing this appeal the Inspector considered that the development would balance the cluster of dwellings which line both sides of the road in this location and would not result in significant and demonstrable harm to the landscape (again in the context of the Local Planning Authority being unable to demonstrate a five year housing land supply plus 20%). The same cannot be said of this application. Development on the site concentrated along the Derby Road frontage would create an imbalance and would result in the loss of an important open break that contributes positively to the rural setting of Doveridge, a key environmental attribute of the settlement.

7.15 As part of the application it is proposed to plant a significant tree belt along the eastern boundary. Whilst in time this would filter views of the development from Somersal Herbert, such planting would not mitigate to any significant degree the harm to the rural setting of Doveridge, particularly when viewed from Derby Road and public footpaths in the locality.
Highway / pedestrian safety

7.16 Concern from the public has been raised with regard to the ability of this part of Derby Road to accommodate any additional vehicular traffic and the implications this will have on highway / pedestrian safety. The Local Highway Authority have considered the development proposal and consider subject to modifications that a safe means of access onto Derby Road can be achieved in the location indicated and that the implications of the local road network would be acceptable. Detailed designs of the proposed access arrangement would need to be submitted as part of any reserved matters application.

7.17 Notwithstanding the lack of public footways along Bell and Bakers Lanes (a concern raised by local residents), the provision of a new footway along part of the site frontage and crossing place would provide a safe route for pedestrians into the village centre (along Derby Road), where the majority of services and facilities it has to offer can be found. This would need to be secured by condition.

Developer contributions and the impact of the development on existing infrastructure

7.18 From the consultation responses received it can be seen that there is insufficient capacity within the local secondary school to accommodate the anticipated number of pupils that the proposed development would be likely to generate. A financial contribution towards fully costed projects to deliver additional school places at Queen Elizabeth Grammar School is required totalling £52,980.24. Such a contribution would need to be secured through a s106 planning obligation agreement to make the development acceptable in planning terms.

7.19 With regard to the level of affordable housing to be provided the applicant indicates in the supporting Planning, Design and Access Statement that 4 affordable houses will be provided on site (although reference is made in the same statement to 3 affordable houses being provided). It is confirmed in a letter from the applicant’s agent in response to the objections received that 4 affordable houses will be provided. This would amount to 28.6% of the total number of new houses to be constructed (assuming 14 units). Policy HC4 in the Deposit Draft Derbyshire Dales Local Plan requires at least 30% of the net dwellings proposed to be affordable, and indicates that without CIL, 45% provision would not have any undue impact on the viability of larger housing schemes in high and medium value areas. Only a developer contribution towards secondary school education is required in this case. It is therefore considered that the delivery of less than 30% of the units as affordable dwellings would be a disbenefit of the proposal.

7.20 Matters relating to the adequacy of foul drainage infrastructure, lack of a gas supply and provision of electricity are raised by local residents. These are, however, matters that the applicant can adequately address with the relevant sewerage authority / utility providers and is not a basis for objecting to the scheme.

Impact of the development on the residential amenity of the occupants of existing dwellings and the potential noise implications from the A50

7.21 The public and the Parish Council raise concerns regarding noise from the A50 and the potential for this to impact on the amenity of future residents of the houses. Concern is also raised with regard to the impact of the development on the residential amenity of the occupants of Bell Cottages to the south. From visiting the site it is apparent that residents in this part of Doveridge experience background noise from traffic on the A50. This is audible on the site which is currently unprotected by any significant barriers to its transmission. Although no formal comments from the Principal Environmental Health Officer at the District Council have been received at they have advised verbally that noise attenuation measures can be built into the site / the proposed houses to mitigate the
impact of any noise nuisance from the A50 and based on the distance from the A50 noise
nuisance would no form a sustainable reason for refusal. The provision of a woodland belt
would, in time, also help to lessen the sense of noise intrusion from the A50.

7.22 In terms of the impact of the development on the amenity of occupants of the dwellings
adjacent, the application seeks outline permission only. The siting, layout and design of
any dwellings would be the subject of further scrutiny as part of any reserved matters
application. The dwellings could potentially be accommodated on site, without detriment to
the privacy and amenity of the occupants of the existing dwellings to the south. The
access to the south to the field beyond (which some of the dwellings forming Bell Cottage
have a right of access over) is shown to be maintained.

Impact on ecology

7.23 Guidance at paragraph 118 of the National Planning Policy Framework aligns with Policy
NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and advises that when
determining planning applications, local planning authorities should aim to conserve and
enhance biodiversity and advises that if significant harm resulting from a development
cannot be avoided (through locating on an alternative site with less harmful impacts),
adequately mitigated, or, as a last resort, compensated for, then planning permission
should be refused.

7.24 The National Planning Policy Framework advises at paragraph 119 that the presumption in
favour of sustainable development (paragraph 14) does not apply where development
requiring appropriate assessment under the Birds or Habitats Directives is being
considered, planned or determined.

7.25 Like with the previous submission, this planning application is supported by an extended
Phase 1 Habitat Survey that was undertaken on 23rd September 2015. Although this was
slightly late in the survey season the habitats present on site are not considered to be a
significant constraint to development. The survey work identified a poor semi-improved
grassland field, with two defunct hedgerows and tall ruderal vegetation surrounded by
fence. A pond was identified 90m to the north of the site and this was subject to a
torchlight survey and an eDNA survey in April 2015 as part of a larger planning application.
The results of this survey work came back negative for great crested newt; however
smooth newt was recorded.

7.26 On the basis of the survey work carried out Derbyshire Wildlife Trust have advised that
there are unlikely to be any impacts on reptiles, badger or great crested newt as a result of
the proposed development. A series of conditions to enhance habitat and promote
biodiversity are recommended.

Drainage

7.27 Having regard to the Inspectors decision in respect of the scheme for 17 dwelling on the
site and on the basis that there is no firm evidence to suggest that a suitable drainage
scheme could not be accommodated on the appeal site nor that such a scheme would be
inappropriate, it is not considered that a recommendation of refusal could be sustained on
the basis that insufficient information has been submitted to demonstrate that the
development would not have a harmful effect on surface water flooding on the site itself or
surrounding area.

Housing Mix

7.28 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 …….”

7.29 Policy HC11 of the deposit draft Local Plan advises that the provision of market housing should be focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

7.30 As the application is for outline consent, a development, which achieved the above mix / was committed to the delivery of smaller units would be possible.

The Planning Balance

7.31 Housing Policies contained within the Adopted Derbyshire Dales Local Plan (2005) are considered to be out of date and housing policies and land allocations in the deposit local plan cannot be attributed full weight at this time, as they are yet to be scrutinised by an Inspector at examination. Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-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.

7.32 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, it is considered that less weight can be attributed to the benefits of delivering a modest number of new homes, in addition to existing commitments and strategic allocations in Doveridge in the overall planning balance than the application for 17 dwellings which was refused and dismissed at appeal.

7.33 In social terms the development would provide new homes, which would include the delivery of up to 4 no. affordable dwellings. The number of affordable dwellings to be provided would, however, be at a level below the policy requirement in the Deposit Draft Derbyshire Dales Local Plan.

7.34 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.

7.35 In environmental terms noise is a constraint, however, can be appropriately mitigated so as to not result in a nuisance to the future occupants of the dwellings. The development would, however, seriously detract from the existing open appearance of the site and would result in unwarranted and demonstrable harm to this part of the landscape and its positive contribution towards the rural character / setting of the settlement.

7.36 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.
OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The proposed development would result in the unwarranted loss of an important open
   break in the landscape and would cause significant and demonstrable harm to the rural
   setting of Doveridge, a key environmental attribute of the settlement, contrary to Policies
   SF5 and NBE8 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 Scale Site Location Plan;
Supporting Planning, Design and Access Statement by RCA Regeneration dated December
2016;
Phase 1 Habitat Survey by Skyline Ecology received by the District Council on the 19th
December 2016, and;
Letter from RCA Regeneration and Accompanying Highway Impact Statement by Bancroft
Consulting received by the Local Planning Authority on the 13th January 2017;
1:200 Scale Indicative Site Layout Plan numbered 1225-003 Rev D received by the District
Council on the 18th January 2016;
Landscape and Visual Appraisal by Planning Design received by the District Council on the 14th
February 2017, and;
The letter and email from RCA Regeneration in response to the objections received and
requesting withdrawal of access received by the District Council on the 16th February 2017.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>14/00074/OUT</th>
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<tr>
<td>SITE ADDRESS:</td>
<td>Ashbourne airfield, Ashbourne</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential Development (367 Dwellings) Employment Site, Commercial And Community Facilities, Link Road, Access And Landscaping (Outline) (Revised Site Area)</td>
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<td>CASE OFFICER</td>
<td>J Bradbury</td>
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<tr>
<td>APPLICANT</td>
<td>FW Harrison Commercials LTD</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Clifton and Bradley and Ashbourne South</td>
</tr>
<tr>
<td>AGENT</td>
<td>Planning Design Practice</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr Shirley, Cllr Chell and Cllr Donnelly</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>07/05/14</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Major development</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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**MATERIAL PLANNING ISSUES**

- Any change in planning circumstances
- Delivering the quantum of development on a smaller site
- Impact on delivery of this and adjoining draft allocations

**RECOMMENDATION**

Approval
14/00074/OUT

Ashbourne Airfield, Ashbourne

Derbyshire Dales DC

Date: 06/03/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Medlock, Derbyshire DE4 3HN.
Telephone: (01629) 781100.
website: www.derbyshiredales.gov.uk
1.0 INTRODUCTION

Planning Committee considered a report in October 2014 for the above development and resolved to grant planning permission in accordance with the officer recommendation subject to the applicants entering into a legal agreement to cover the matters listed in the report.

A copy of the report is appended for information.

Since that resolution of committee discussions have been ongoing to finalise the complex legal agreement and the conditions to be attached to the permission.

The main application incorporated land in the ownership of FW Harrisons Commercials Ltd and JCB Bamford Excavators Ltd and as a consequence negotiations have progressed on the assumption that both would be signatories of the legal agreement.

This item is being brought back to committee at the request of the main landowner FW Harrison Commercials Ltd to seek to reduce the application site area to limit it to land controlled by them and as a consequence open up the alternative that they would take on sole responsibility for the requirements of the legal agreement. The remainder of this report explains the applicant’s objectives, updates the site history and emerging development plan and analyses the planning merits of the proposed amendment.

As the site area is reduced there has been no need to re consult with either consultees or the public. This request for an amendment is consciously kept separate from the appended original report in order not to over complicate the consideration of its merits.

2.0 DETAILS OF THE APPLICATION

2.1 The applicants have explained their case as follows: -

This submission seeks to reduce the application red line site area to the land controlled by FW Harrison. The application as originally submitted included land owned by FW Harrison (approximately 85%) and JCB (approximately 14%).

2.2 The legal agreement requires both to be signatories but has yet to be signed.

FW Harrison have made a significant commitment to the development, this is both in terms of finance and time for the design of the link road.

FW Harrison are keen to see the legal agreement signed and decision notice issued as soon as possible.

They remain hopeful that both parties will be in a position to sign the current agreement within the next few weeks. However as a contingency arrangement, they have requested that a reduced site area be considered. The proposal has the effect of reducing the application site area to include land owned by FW Harrison only (plus highways authority land). This would enable the Harrison family to sign the section 106 agreement immediately. The following documents accompany the requested amendment:

- A revised site location plan
• A revised indicative layout plan demonstrating how all previously proposed elements of the scheme could be satisfactory delivered within the revised site area.

2.3 The attached layout plan shows how 367 dwellings could comfortably fit within the revised site area at an average gross density of 25 dwellings per hectare, set against typically 30 to 45. Ample space would remain for the 8 hectares of employment land and other key features.

2.4 It is requested that the Council considers this information as an amendment to the current scheme. This request is viewed as a contingency arrangement only – necessitated at this time because of the need to ensure a planning approval in time for the commencement of works on the link road (for which there is a separate planning approval and agreed timetable) and the commencement of the draft local plan examination in public. As such, it is also respectfully requested that the right to withdraw the amendment is agreed should both FW Harrison and JCB be in a position to sign the original legal agreement in the next few weeks.

2.5 The terms of the original scheme are fully deliverable in the revised site area and the applicants do not wish to adjust the application description, nor the Section 106 commitments or draft conditions.

2.6 The agreed Section 106 commitments, which are summarised below, can still be met in a reduced site area:

• Up to £250,000 over 5 years to support a new bus route along the proposed link road
• Compensatory land management for lap wings within 5 km of the application site
• Contribution of £243,000 to highway improvements on the Derby Road/Sturston Road junction
• Travel plan monitoring contribution of £12,500
• Provision of 39 affordable dwellings on site and an attached schedule detailing housing types
• A contribution of £832,127.73 to DCC for the provision of 73 school places at Osmaston School.
• A contribution of £944,689.35 to DCC for the provision of 55 secondary school places.
• A contribution of £409,813.80 to DCC for the provision of 22 post 16 places.

The conditions set out in the draft notice can be complied with.

2.7 Both FW Harrison and JCB are fully supportive of the Council’s draft allocation of Phase II (Policy DS8) on the remainder of the airfield. They are currently working together on proposals for Phase II and are working towards a joint position statement. They will support the Council in the forthcoming local plan examination in public. In effect the small reduction in the site area would purely be a timing issue, as JCB land would come forward as part as Phase II.
3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The appended report contains full details of the policies of the adopted local plan that are applicable along with details of the sections of the NPPF that should be applied. The one area that is no longer up to date relates to the emerging local plan as the submission draft referred to was subsequently withdrawn in 2015. The Council have since placed on deposit a revised emerging local plan which is due for consideration at an examination public starting in May. The relevant policies of this emerging plan are as follows:

Policy S3 – Settlement Development Boundary Ashbourne
Policy HC2 (c) Housing land allocations - land at Ashbourne Airfield
Policy EC2 (a) Employment land allocations - land at Ashbourne Airfield (Phase 1) and EC2 (f) land at Ashbourne Airfield (Phase II)
Policy DS1 – land at Ashbourne Airfield (Phase 1) (Ashbourne)
Policy DS8 – land at Ashbourne Airfield (Phase II) Ashbourne
Policy S1 Presumption in favour of sustainable development
Policy S2 Sustainable development principles
Policy S4 Development within defined settlement framework boundaries
Policy S9 Ashbourne Development Strategy
Policy PD1 Design and Place making
Policy PD3 Biodiversity and the Natural Environment
Policy PD5 Landscape Character
Policy PD6 Trees, hedgerows and woodlands
Policy PD7 Climate change
Policy HC1 Location of housing development
Policy HC4 Affordable Housing
Policy HC11 Housing Mix And Type
Policy HC14 Open Space, Sports and Recreation Facilities
Policy HC15 Community Facilities and Services
Policy HC18 Provision of Public Transport Facilities
Policy EC1 New Employment Development

4.0 RELEVANT PLANNING HISTORY:

4.1 Since the resolution of committee to grant permission for this development a separate application for the link road to facilitate the early release of employment provision has been granted as follows:

16/00168/FUL Formation of New Link Road granted 25/5/2016

The provision of this link road is referred to in the applicant’s case.

5.0 OFFICER APPRAISAL

5.1 This item is being brought back to planning committee as the earlier resolution to grant planning permission related to the site area as originally presented.

5.2 Committee agreement is required in such circumstances to allow the scheme to proceed based on a smaller site area. The key considerations/questions that need to be taken into account in assessing this unusual request are:
i) Has there been a material change in planning circumstances which would suggest a different planning balance than before?

ii) Can the quantum of development be accommodated on the reduced site and still deliver all of the benefits?

iii) Does creating the option of an alternative promote or cause potential problems with the delivery of the identified site and the draft allocation to the north?

5.3 i. Current planning circumstances compared within 2014

As explained above, a new emerging local plan has been submitted since the version referred to in the earlier report has been withdrawn. This latest version of the plan maintains the employment and housing allocations referred to in the former emerging local plan and in addition makes a further substantial draft allocation to the north of 1,100 houses and 6 – 8 hectares of employment land. The objectively assessed housing needs and employment needs of the district suggested that both allocations are required to go forward. In essence, as such there is no substantial change in planning circumstance that requires the principle being re-examined.

5.4 ii Delivering the quantum of development on a smaller site

The applicants have submitted an alternative master plan which shows the reduced site area. The original housing component of the scheme was at relatively low density. Having considered the master plan and the housing densities it shows it is considered that all of the components referred to in the original submission can still be delivered in a site area reduced by 14%. The applicants have also confirmed that all of the components of the legal agreement will be fulfilled. There is therefore no planning reason to resist this amount of development on a reduced site area.

5.5 iii. Delivering this site and additional allocations

The applicants have made clear in their submission that this revision seeks to create an either/or option for the resolution of the legal agreement and release of the planning permission. They have, through this submission and will through cooperation with the local planning authority make it clear that they are fully committed to working with the other land owner to deliver the wider site. Whilst it is unusual to have to deal with such a request to reduce a site area the primary motive is to achieve the early release of the planning permission and thereby provide a sound basis for progressing the early delivery of the access road. There is no underlying reason why this alternative resolution of the permission would jeopardise the delivery of the site and to the contrary it may actually serve to expedite earlier delivery.

5.6 Conclusion

On balance, given the circumstances described above, it is considered that there are no planning reasons to resist creating an either/or situation whereby either the applicant can sign the legal agreement for the reduced site area on their own or both land owners can sign the currently drafted agreement on the original site area. Expediting this legal
agreement and the release of the planning permission will serve to both deliver the site in a timely manner and support the land use allocation process of the local plan.

6.0 RECOMMENDATION

6.1 Authority be delegated to the Development Manager to grant planning permission for either the original or reduced site area on completion of the legal agreement in accordance with the conditions and clauses previously agreed.
THE SITE AND SURROUNDINGS:
The application site is a 39.35 hectare parcel of land located to the northwest of the junction of the A52 and Ladyhole Lane immediately to the southeast of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. At its western edge the application site extends to meet the existing access road of the industrial estate. Immediately to the north of this is the Vital Earth composting operation and the site boundary is set away from these premises with the exception of a finger of land running up the boundary to allow for provision of screening/landscaping. The site then extends north-eastwards across the former airfield, now agricultural land crossed by former runways, to incorporate land and buildings currently utilised by JCB as a training centre.

The land to the northeast at this point is woodland. The site boundary then returns southeast along the boundary of the airfield to meet Ladyhole Lane. The land to the north at this point is open agricultural land. The site boundary then extends down Ladyhole Lane to the southwest with open land and former runway to the east to a point approximately 125m from the line of properties at the west of Ladyhole Lane. The boundary then follows the rear boundaries of these properties and some fronting the A52 to the south before meeting the A52 approximately 100m to the west of the junction opposite a copse of trees. The land to the south of the A52 at this point is open farmland with field boundary hedgerows and hedgerow trees.

The site then extends to the west but with the boundary set behind a narrow strip of land in separate ownership before returning north just to the east of the edge of the existing industrial estate with open land to the west at this point.

The site is generally flat, as you might expect for a former airfield, with only the land in the northeast corner having any significant change in levels.

The site bounds the Settlement Framework Boundary for Ashbourne with the land immediately to the west allocated for industrial purposes in the current local plan.

Bradley Woods, a Derbyshire Wildlife site, lies close to the northern boundary of the site whilst Osmaston Conservation Area is approximately 500m to the south at its closest point.

THE APPLICATION:
Outline planning permission is sought for residential development of 367 dwellings, provision of 8 hectares of employment land, ancillary commercial and community facilities, strategic landscaping, a new link road and associated infrastructure. The only matter for which full approval is sought at this stage is the means of access to the site. The means of access includes provision of a new access to the A52 which is detailed in the submission and a connection to the existing industrial estate adopted highway. The redline of the application site has been extended west to incorporate this during the consideration of the application.

The application is accompanied by a raft of supporting documents as follows:
- Community Consultation and Engagement Statement
- Design Brief
- Indicative Layout and Landscaping Plan
- Draft Heads of Terms of Section 106 Agreement
These documents, with the exception of the commercially sensitive viability assessment, have been made available on the public file and circulated to the relevant consultees. Their contents are discussed as appropriate in the 'issues' section of this report. It is however pertinent at this point to summarise the details of the proposed access arrangements as the one reserved matter where full details have been submitted, the contents of the illustrative masterplan and design brief, the phasing arrangements proposed, the head of terms for a legal agreement identified by the applicants and brief summary of their supporting planning case.

The applicant in their design brief have identified the following parameters for the development of the site which they expect to be carried forward into any reserved matters scheme:

1. Up to 367 new homes, including a range of house types and sizes
2. A new business park of up to 8 hectares in size comprising 6 hectares of B2 development (General Industry), 2 hectares of B1(b) and (c) development (Research and Development, Laboratories, Studies and Light Industry)
3. A mixed use hub including some or all of the following uses:
   - A1 Retail/A2 Financial and Professional (no single unit in excess of 300m² and not more than 500m² in total), A3 restaurants/café(s)/A4 drinking establishments (not more than 500m² in total and no more than one drinking establishment), D1 non-residential institution/community facilities (up to 750m²), and an enterprise centre incorporating small start-up office units (not more than 500m² in total)
4. The provision of access to serve the comprehensive development comprising a new access junction from the A52; a new access road to serve the business park which shall link through to Blenheim Road; a new internal road layout to serve the development incorporating footpaths and cycle paths.
5. A landscape bund alongside the south eastern and north eastern boundaries of Vital Earth at least 7.5m in height topped with 2m acoustic fencing.
6. A landscaped buffer to the rear of existing properties on Ladyhole Lane.
7. Tree planting along the south western boundary of the site (parallel with the A52)
8. An area reserved for wildlife along the north eastern boundary
9. Public open space integrated throughout the development
10. Surface water control measures (SUDS) integrated throughout the development

In terms of phasing the applicants have committed to meeting the requirements of emerging plan policy SA8. They have suggested the following milestone dates:

i. On or before the occupation of the first dwelling - the site access onto the A52 and the strategic planting around the site periphery will be completed
ii. On or before occupation of the 110th dwelling the employment land will be serviced ready for future development and the link to Blenheim Road will be completed

The applicants have, following consultation with the Town Council, Neighbourhood Planning Steering Group and Airfield Liaison Group reviewed this phasing such that an access to the A52
will be created as the first phase of construction (to limit construction traffic through the Airfield Industrial Estate).

They have also suggested following that meeting that a proportion of the secondary education payment is ‘ring-fenced’ to allow the delivery of an Enterprise/Vocational Learning Centre.

The draft heads of terms for the legal agreement recognise the need to contribute to the following items: -

- Primary school places
- Secondary school places
- Post 16 places
- Access to broadband
- Public open space and pitches and future maintenance
- Biodiversity enhancements to the northeast of the site
- New off-site connections to public rights of way network
- Affordable housing
- Highway works

The proposed new access to the A52 will have the following design characteristics: -

- The junction will be approximately 225m to the west of the junction of Ladyhole Lane with the A52
- The junction will require localised road widening into the verge to the south and into the application site to the north
- This widening will facilitate a right turn harbourage on the A52 for vehicles travelling east to west
- Traffic lights will be introduced on the junction
- Two exit lanes are provided for vehicles leaving the site
- New footways are introduced either side of the access
- Visibility splays of 2.4m x 180m to the west provided and greater to the east
- Street lighting columns provided on south side of the junction
- Signal visibility approaching traffic lights of 160m shown on drawings

Summary of applicant’s case: -

- Whilst the site lies outside the Settlement Boundary of Ashbourne it has a draft allocation in the emerging Local Plan under Policy SA8 for development. This draft allocation resulted from overwhelming public support and has been given weight by Committee resolution. For this reason there should be no in-principle objection to the proposed development and it should be assessed in the light of other material planning considerations.
- The National Planning Policy Framework is a material consideration that carries significant weight. Paragraph 14 sets out a presumption in favour of sustainable development and for decision takers this means granting permission unless the harm of doing so would significantly and demonstrably outweigh the benefits
- The proposal accords with paragraph 19 of the National Planning Policy Framework as it allows for the expansion of the Airfield Industrial Estate thereby supporting economic growth through the planning system
- The creation of a second access will open up eight hectares of employment land. In addition a mixed use hub will be created comprising shops, potentially a public house and enterprise centre. The net result will be creation of hundreds of jobs
- The proposal will deliver up to 367 dwellings to meet local needs which itself will lead to social and economic benefit. The site will achieve these benefits without significant impact on the landscape, visual amenity or ecology and satisfies the three dimensions of sustainable development in a way that other proposed sites cannot
• The proposed comprises of sustainable development that accords with the NPPF and the site is clearly deliverable now as it is being proposed by willing landowners, is in a suitable location and can be developed imminently
• The overall benefits are summarised as: -
  • i) expansion of employment opportunities for the people of Ashbourne and surrounding areas
  • ii) creation of high quality business park
  • iii) creation of high quality residential environment which respects character of Ashbourne
  • iv) The location of new employment and housing close to one another will be mutually beneficial and reduce the need to travel
  • v) New public open spaces and an area of biodiversity enhancement are proposed
  • vi) New pedestrian links will be created to southeast Ashbourne, adjacent villages and to the countryside
  • vii) Increase in population for Ashbourne will help sustain and support the vitality and viability of the town centre and its businesses, services and facilities
  • viii) Increased Council Tax and New Homes Bonus will further invest
• This proposal is a comprehensive and sustainable mixed use development.  There are no material considerations or adverse impacts which demonstrably outweigh the benefits

RELEVANT HISTORY:
None directly relevant to consideration of this application, however the following application relates to land a short distance to the west.

14/00075/FUL.  Formation of vehicular access to serve potential employment development site – pending consideration

CONSULTATIONS:
Parish Council
Osmaston and Yeldersley Parish Council – object for following reasons:

1. Have concerns that the site prioritisation process and choice of Ashbourne Airfield as a preferred housing option was legally flawed and is open to legal challenge thereby potentially leaving the local plan open to a challenge on soundness. Therefore it is suggested that the Council should not give any weight to the preferred site status in the emerging plan. Paragraph 216 of the NPPF should be borne in mind and the weight given to the emerging local plan should not be high because there are unresolved objections to relevant policies and the prospect of a legal challenge.

2. The allocation would be unlikely to survive the EIP process and on that basis the weight given to a preferred site allocation should be low.

3. Until a new local plan is adopted the Council must give more weight to the policies of the NPPF. The site lies outside the Settlement Framework Boundary with the background of NPPF policies.

4. In terms of sustainability the applicant gives great weight to the economic benefits arising from new employment uses, the mixed use element on site and the spending power of the housing occupants. This analysis completely ignores the fact that the location is unsustainable as it is substantially green field and lies a significant distance away from the main facilities of Ashbourne 4-5km away. The site is an area of open-land on a high plateau. The development of a substantially greenfield site for housing is not what the NPPF had in mind. It cannot be viewed as a logical extension of Ashbourne. It is highly debatable that the economic components of this plan would come to fruition and an isolated and unsustainable housing estate would be left with residents isolated and dependent on the private car.
5. The precise amount of housing and the best locations for this should be fully debated at the Examination in Public.

6. The provision of a housing estate of this scale would not support the provision of the retail and other facilities proposed. For the small supermarket to survive it would need to attract trade from outside the immediate catchment which emphasises its lack of sustainability.

7. It is not confirmed that delivery would happen in five years as claimed. It will be probably two years before housing development commences and likely that the build overall will take seven or eight years. Less weight should be given to the proposal than suggested by the applicant because delivery will not occur as quickly, as suggested.

8. The site is remote from schools and services. No reliance can be put on the proposed facilities and the bus service details are sketchy.

9. The creation of a new junction in a 50mph zone raises highway safety concerns and further concerns relate to the impact on Ladyhole Lane and the junction of the A52 with the A38.

10. The Council identifies a five year housing supply in relation to the consideration of the Old Derby Road application and this gives less of a presumption in favour.

Ashbourne Town Council
Object to the application as unable to support an indicative application. However would like to enter into a dialogue with the developer.

Bradley Parish Council
Object – Concerned about the lack of infrastructure of the roads.

There would be impacts from traffic utilising roads through ‘Hole In The Wall’ and Bradley Village.

A further section of bypass should be explored

The balance is wrong between employment and housing. More employment provision should be pursued to create jobs for local people.

Local Highway Authority
Although the site is situated some distance from Ashbourne Town Centre it has, within the draft Derbyshire Dales Local Plan been identified as a site to deliver a high quality mixed use development that would improve the environmental quality of the area, and deliver affordable housing as well as providing support for existing services and local employment opportunities (SA8). Furthermore it also provides the opportunity for a second access point to be provided into the adjacent industrial area. From a highway perspective it was considered that an acceptable access arrangement could be provided to the A52 via a new signalised junction. The extension of the application boundary to meet the existing Blenheim Road access facilitates this. The Highway Authority wish to see this link formed in the first phase of development to forge a strong link and allow for sustainable travel.

If some development is required to cross subsidise this no more than 50 to 75 dwellings should be allowed before the link is formed. The formation of the new access and link road should be clearly controlled through an appropriate phasing condition.
The development will result in more traffic in Ashbourne Town Centre where a relatively high proportion of the development traffic will gravitate to, for everyday facilities. The existing signalised junction of Station Street/Compton Street/Sturston Road/Derby Road/Old Hill will suffer from additional pressure and this junction already experiences peak hour congestion and has been the source of a number of accidents over the years. Other junctions may also suffer an impact but haven’t been modelled.

A comprehensive solution is required from a highway perspective at this junction to avoid congestion at peak times, however, a series of smaller local interventions around the town may create more meaningful capacity improvement. On this basis the Highway Authority have requested that the use of a financial contribution be more feasibly deployed to focus on targeted improvements identified by traffic monitoring as the development progresses. The Highway Authority have provided a map identifying the key streets within the highway network where monies might be deployed. Whilst the monies secured from this development may not address all of the works the contribution would be proportionate to the impacts of this development. It is suggested that a time period stretching beyond completion of the development would be required in a legal agreement in order that impacts could be monitored and works appropriately planned and undertaken. Six years from substantial completion (90% of development) is suggested.

The application includes provision for Travel Plan contributions to subsidise bus routes and provide supporting funds to promote and manage the Travel Plan. The Highway Authority would wish to be involved in promoting / managing the Travel Plan and a further financial contribution is sought to facilitate this input.

The applicants should consider promoting a wider Travel Plan to the surrounding commercial area as this may lessen capacity problems on the network and consequently lessen any improvements required.

The promotion of bus services is welcomed to help the development become sustainable but the Highway Authority have not been involved in assessing the subsidy proposed.

Whilst it is noted that a voucher scheme for residents is included in the transport assessment to promote bus usage, the primary focus of funding should be to establishing the route. The Travel Plan could then include details of home owner packs to promote uptake of public transport through vouchers but the cost estimate for this continuing for a full year are very high and could be substantially reduced.

Cycle parking costs should be borne by the developer and not included as a legal agreement heading. Previous discussions have included suggestions of routing Ladyhole Lane traffic through the site and away from the existing junction which has an accident record. Whilst this may be a benefit that could be delivered it is recognised that it is not required of the development to make it safe but it is suggested that land is protected alongside Ladyhole Lane as part of the legal agreement to provide a vehicle link should this be required at a future date.

Whilst the internal layout on the masterplan is indicative only at this stage, the Developer should be encouraged to view the County Council’s current 6C’s design guide in subsequently designing a layout which would meet adoptable standards.

Whilst there are still some minor issues to be resolved in terms of phasing and detailed design of the point of access, these can be resolved through appropriate conditions. The suggested financial contributions off site and comprehensive Travel Plan are likely to alleviate and mitigate impacts such that it would be difficult for the Highway Authority to suggest that these impacts would result in “severe” harm relative to the existing situation, the test now identified for refusal of a scheme under the terms of paragraph 32 of the
National Planning Policy Framework. On this basis no objection is raised and the following conditions and legal obligations are suggested.

Section 106 Content
(a) Travel Plan monitoring / review by Derbyshire County Council with a cost of not more than £12,500.

(b) Financial contribution not exceeding £500,000 towards highway network improvement within an identified area to offset impact of development. The monies may cover traffic monitoring, transport studies and pay for targeted highway and pedestrian safety or capacity improvements all to be agreed with the Local Planning Authority. The monies may also be used for improving public transport infrastructure, walking and cycling routes between the site and town centre. The monies shall be made available for a period up to 6 years post substantial completion with unused monies returned after this period.

(c) The developer to consider a layout at reserved matters stage potentially allowing for a vehicular connection to be made to Ladyhole Lane to be provided as part of the development or safeguarding the land to do this at a later date.

(d) Appropriate clauses to cover subsidy to bus services.

Conditions
1. Construction management plan

2. No development to commence until temporary access for construction has been provided to the A52.

3. No operations commenced until detailed phasing agreed.

4. Prior to occupation of dwellings or industrial premises, new permanent junction formed to A52.

5. No more than 75 dwellings erected and occupied before link to Blenheim Road has been laid out and constructed.

6. Reserved matters application to include road layout that complies with “Manual for Streets”.

7. The internal layout for the residential component shall be designed in accordance with 6C’s guide.

8. No dwellings occupied until parking / turning for residents provided.

9. Garaging and parking for each dwelling retained.

10. Industrial / commercial premises not occupied until their parking / turning areas laid out.

11. Driveways no steeper than 1 in 14 for 5m.

12. Internal residential streets to junctions to have minimum 2.4m x 25m visibility splays.

13. Direct access points to internal link road to have 2.4m x 43m visibility splays.

14. The residential estate street layout to be provided with 25m forward visibility sightlines.
15. Private driveways / parking spaces for individual properties to have 2.4m x 25m visibility splays.

16. Driveway / parking spaces to have 2m x 2m x 45° pedestrian intervisibility.

17. Works shall not commence until scheme for disposal of highway surface water submitted and agreed.

18. Premises not occupied until a full Travel Plan submitted and approved.

County Council (Strategic Infrastructure and Services):
Request that the development meets the following demands which are related to the development in terms of strategic infrastructure:

- Access to high speed broadband services for future residents (in conjunction with service providers)
- Provision of new bridleway and footpaths as part of the on-site design of the proposed development and a financial contribution of £21,120 towards future maintenance of these routes
- £90,200 towards the provision of new off-site connections to the wider Public Rights of Way network
- £832,127.73 towards the provision of 73 primary school places at Osmaston CE (Controlled) Primary School
- £944,689.35 towards the provision of 55 secondary school places at Queen Elizabeth’s Grammar School
- £409,813.80 towards provision of 22 post 16 education places at QUEGS
- New homes designed to Lifetime Homes Standards

Environment Agency:
In relation to drainage raise no objections subject to condition to secure sustainable drainage system.

In relation to odour and bio aerosols make the following points:

(i) The author of the report, requested and has utilised EA odour complaints records.

(ii) EA do not specify a minimum distance between permitted sites and residential properties with regard to exposure to odours.

(iii) The author of the odour report undertook odour surveys in the vicinity of the development site on 5th November and 6th November 2012. Only on the 5th was the site downwind of the industrial estate. The survey, therefore, only provides a snapshot and should not be relied upon to draw any conclusions. The survey has not taken into account at all seasonal variations in terms of exposure to residents and also seasonal variations on production at permitted sites and how this may affect odour.

(iv) The report does not differentiate between point source odour from chimneys and ground sources of odours and how these behave.

(v) The wind direction information is taken from several miles away.

(vi) The report emphasises the role of the EA in policing pollution problems experienced by residents from permitted sites. However, at times, future residents may still experience nuisance from these sites. The EA cannot guarantee that there will be no nuisance in particular odour from these sites.
Environmental Health:
In relation to contaminated land raise no objection subject to conditions.

In relation to Noise and Odour make the following comments:-

The noise report submitted is thorough and appears to be a true reflection of the current noise levels expected both in terms of background levels and noise from the industrial estate. The report identifies various noise sources on the estate some of which are tonal and have the potential to give rise to noise complaints. The report recommends a noise barrier in the form of an earth bund with acoustic fence. This along with other recommendations of the noise consultant should be adopted in order to mitigate any noise complaints from occupants of the proposed dwellings. The developer should take on board comments regarding layout of buildings in order to shield residential properties from noise sources on the existing and proposed extension of the industrial estate.

In relation to odour the District Council are the authorising authority for Frank Wrights animal feed processing factory and deal with any complaints. No complaints have been received for several years in relation to this facility in regard to either noise or odour.

Development Control Archaeologist:
Consider that the site has archaeological potential within the site because of the concentration of known prehistoric burial monuments around the headwaters of Wyaston Brook to the west of the site which raises the possibility of similar concentration of activity at the source of Shirley Brook in the immediate vicinity of the site.

Given this potential within the site, originally raised objection on the basis that the level of survey work was inadequate without a geophysical survey to supplement the desk-based analysis and, therefore, contrary to National Planning Policy Framework paragraph 128.

Have subsequently held a dialogue with the applicants regarding the necessity for and timing of this geophysical survey based on the former and current usage of the site.

Have on the basis of the practical difficulties of surveying the site before mid October because of a standing crop and given the outline nature of the proposal accepted that in this instance a condition is appropriate requiring a field evaluation before submission of the reserved matters application.

Derbyshire Wildlife Trust:

In initial response objected to the application due to the significant adverse impact on ground nesting birds in particular Lapwings. The Lapwing is UK BAP priority species included on the Red List of Birds of Conservation concern. The survey identified the presence of a significant population of breeding birds with as many as 25-50 pairs present. The loss of the site will displace the birds to suboptimal habitats and is likely to reduce their breeding success rate and consequent further decline in this species.

The initial mitigation scheme did not propose long-term measures to compensate for loss of habitat. The lack of appropriate mitigation would result in a net loss of biodiversity contrary to paragraph 118 of the National Planning Policy Framework and Local Plan policies.

In response to these comments the applicants have been in discussions with Derbyshire Wildlife Trust to try and come up with an appropriate mitigation strategy to include within a legal agreement. The strategy that has been put forward involves sympathetically managing the site for Lapwing and Skylark prior to release of the fields in the application site for development and at a point where no more than 16 hectares remain within the application site to be developed releasing this land from the management regime and instead managing
16 hectares of land situated within 5km of the airfield owned by the applicants in a manner suitable to maximise opportunities for ground nesting birds. This land would be managed in this way for 10 years after which either 5 hectares would remain under management for a further 5 years or a payment of £18,000 would be made to Derbyshire Wildlife Trust to promote management of farmland for Lapwing and Skylark in the wider area.

Derbyshire Wildlife Trust are satisfied that these measures of compensation are acceptable but need to be secured and enforced through a Section 106 Agreement in addition to a farm management plan which can be the subject of a condition.

The ecological information submitted in relation to other species has also been analysed and the main impacts commented upon.

The site contains a small population of Great Crested Newts in 3 ponds. Whilst the ponds are to be retained some loss of terrestrial habitat will occur. Mitigation and a European Protected Species Licence will be required. A condition is suggested to secure a scheme of mitigation.

In relation to breeding birds generally across the site a condition is suggested to prevent removal of vegetation or demolition of structures during the breeding season.

In relation to landscape and ecological management the measures identified are considered acceptable and a condition is proposed.

In relation to bats and other nocturnal wildlife a condition relating to a lighting strategy is proposed.

Conditions are also suggested in relation to safeguarding badgers during construction and dealing with invasive species on site.

Overall and having regard to the revised mitigation strategy proposed for ground nesting birds Derbyshire Wildlife Trust have lifted their objection to the scheme subject to conditions and a legal agreement.

Natural England:
No objection.

Head of Housing:
On the assumption that this development will be phased over a relatively long time span happy to promote provision on site with provision targeted to bungalows, single persons flats and 2 bedroomed houses. The full details of this will need to be agreed in conjunction with a partner RSL prior to the submission of a reserved matters scheme.

Head of Regeneration and Policy:
Ashbourne Airfield is a significant employment site for the Derbyshire Dales. It employs in the region of 2,400 people in more than 80 businesses, including some significant employers. It is an important site for enabling economic growth, as identified in the recently adopted Derbyshire Dales Economic Plan. The District Council’s Corporate Plan 2014/15 has a priority to “increase business growth and job creation” and includes a target to “promote key development sites”. Therefore the strategic context gives a clear direction to facilitate job growth on the Ashbourne Airfield.

Timing is of importance. Officers are aware of businesses on the Airfield currently choosing to relocate jobs out of the District due to a lack of available expansion space in Ashbourne. The identified need for additional employment space in Ashbourne presents not only an
opportunity cost (potential new jobs going somewhere else rather than being created in the Derbyshire Dales), but also an immediate risk of loss of existing jobs.

The recent Atkins Economic Needs Assessment and local enquiries highlight a demand primarily for smaller industrial units to enable local firms to expand plus some demand for starter units as the economy improves. In addition, the District Council receives a limited number of inward investment enquiries for larger space - these requests cannot be met due to the lack of larger, modern premises available in the district. It will be important to work with the developer to encourage provision of a range of unit sizes which can be adapted to suit the needs of different businesses and which are available on flexible terms. The proposed ratio mix of employment floor space broadly follows the pattern of development on the Airfield site in previous years.

There is a need to ensure the Derbyshire Dales can offer modern, high quality premises to meet the needs of identified growth sectors including advanced manufacturing, food and drink manufacturing, and logistics. The inclusion of R&D space at the appropriate level is therefore welcome as part of the development.

The new access road within the current application is the subject of a bid to the D2N2 Local Economic Partnership (LEP) for funding. The access road is critical for opening up employment land sooner rather than later, the need for which is as described. It is understood from the developer that gaining LEP funding would enable a 2015 start on the access road construction, helping to accelerate the delivery of employment land, safeguard jobs and enable new job creation. Funding bids are rated on factors including strategic fit, value for money, and deliverability. A current planning permission would be regarded as important for deliverability.

Whilst there remain issues to discuss with the developer with regard to the detail of the scheme, the Economic Development Service support this application by reason of its positive contribution to corporate economic priority targets, its contribution towards meeting an identified immediate need for business expansion space, and the provision of a new access road to facilitate economic development.

Derbyshire Fire and Rescue Service:
Strongly recommend the installation of a domestic sprinkler system. A minimum 32mm water supply capable of delivering the required volumes would allow this to be carried out easily in the future.

Crime Prevention Design Advisor:
No major concerns. Suggest parking courts should be avoided in any layout. Will comment in more detail on any reserved matters submission.

REPRESENTATIONS:
The representations received on this application are logically broken down into their different categories which comprise of letters of support, letters of objection individually written, copy letters of objection, letters of objection from businesses in the locality and detailed letters of objection from planning consultants.

Letters of support - Two letters of support have been received which raise the following points:
1. Recognise the benefits of developing this brownfield site even though it lies outside the settlement framework.
2. Care should be taken to minimise the impact on views into and out of the area due to its location and surrounding countryside.
3. Welcome the provision of a new access to the airfield, as Blenheim Road is inadequate and heavily congested leading to noise and pollution for neighbours.

Individual letters of objection – Forty five individual letters of objection have been received which raise the following points:

1. This large development is being imposed on the Parish of Yeldersley with a population of 188 which does not have the community facilities to support the population rise. The housing would be better directed to existing towns where the infrastructure already exists.

2. The houses proposed are too close to commercial activity on the industrial estate and potential buyers will be put off by noise, smell and light pollution.

3. The proposed access onto the A52 is too close to the existing junction and will cause traffic congestion on this road impeding emergency vehicles going to Derby to A and E. Access would be better through the existing industrial estate.

4. Traffic on the A52 will increase as people will need to use vehicles to access schools and services and this will be detrimental to highway safety on a road with an accident record.

5. The development would increase traffic on Ladyhole Lane as vehicles would use this route as a shortcut to avoid going through Ashbourne. The road is not suitable for such an increase in traffic.

6. The airfield site is grade 3 agricultural land and should be retained for growing arable crops.

7. The plan does not include sufficient buffer between development and farmland.

8. The residents of Yeldersley will have their parish community subsumed into a housing estate from its current agricultural context.

9. The development adjoins farmland which has suffered from erosion resulting from surface water runoff and the development could exacerbate this.

10. Passing places and traffic calming along Ladyhole Lane will be required to cater for the increase in traffic.

11. Livestock could be lost to a dog population that will be associated with new residential development.

12. The proximity of housing to an existing livery business will be detrimental to it and a sizeable buffer along the boundary is required.

13. Ragwort will spread onto adjoining agricultural land to the detriment of livestock health.

14. Whilst the applicants claim considerable local support for this proposal that does not apply to residents of Osmaston and Yeldersley.

15. The residents of the parish will have its rural character completely changed by this new alien community in an incongruous position.

16. Whilst it is recognised that the people of Ashbourne see the airfield as the best place for the expansion of the town when you consider the whole of the airfield this site could not be further away from the town.
17. Alternative proposals could be devised which catered for expansion but did so in a way which did not adversely affect local residents.

18. The applicant is taking advantage of the mess that has been created by the National Planning Policy Framework in order to promote a bad development.

19. The Council’s failure to have an up to date local plan should not mean locals have to put up with a poorly conceived development.

20. The development proposed is unsustainable because it is in a remote location situated on the southeast corner of the airfield site and has no relationship to the town it is meant to be part of. It fails to connect people and places and does not integrate with existing development.

21. There are better places on the airfield to position housing and connect with the town and locating development on the western side would achieve a nearer physical connection. The development proposed represents a new bulk of housing incongruously dumped in a rural location.

22. The employment provision proposed is a sprawling ribbon which extends the industrial estate out into the countryside, which will create a poor impression on approaching the town. Such a siting is contrary to guidance in the National Planning Policy Framework and the employment provision would be better located alongside existing employment uses running north where it would not be conspicuous.

23. The proposal fails to comply with policy SA8 of the draft local plan – as a master-plan for the whole site has not been provided.

24. The layout could be a lot better and this could be a wasted opportunity to get this right.

25. The site for housing development is also unsustainable as it will be adversely affected by odours emanating from the industrial estate. Complaints already occur and the new housing is downwind. Whilst the applicant has done sniff tests in November which suggests ‘slight adverse’ or ‘moderate adverse impact’ local knowledge suggests that the proposed development will suffer very significant odour nuisance. Other positions for the housing would not suffer this potential impact.

26. The application provides no assessment of the impact of development on the vitality and viability of the town centre or the tourism industry in the town.

27. The development will radically alter the dynamics of the catchment for Osmaston School and families who have sent children to the school historically will no longer get places. No explanation is provided as to how additional primary school places are to be provided.

28. A development of this scale will place a further strain on already stretched public resources.

29. Can the additional school provision actually be achieved?

30. There will be a conflict and danger to residents of the new housing as children will be using the same roads as heavy goods vehicles.

31. Children will be put at risk crossing the busy and dangerous A52 to attend Osmaston School.
32. Congestion will be caused in Osmaston village from children being dropped off and picked up.

33. Osmaston access roads are unsuited to an increase in traffic.

34. The site is a poor location for affordable housing where residents would have limited access to public transport.

35. The provision of traffic lights on the A52 to serve the new access will create congestion and as a result encourage rat running through Osmaston.

36. Osmaston is already heavily trafficked and additional traffic will endanger children and other pedestrians and adversely affect the enjoyment of their properties for residents.

37. The application has insufficient regard to existing flooding problems on Ladyhole Lane where properties flood to the rear near the junction with the A52.

38. The development of this site is no longer necessary as other sites in Ashbourne have been granted permission.

39. Development of this site would open up the whole of the airfield to future development. A scale of development with which the town could not cope.

40. The secondary school cannot cope with the scale of residential development proposed for the town.

41. The development will further exacerbate parking and congestion problems in Ashbourne.

42. There is evidence that the airfield stored toxic chemicals in association with the military use and the application should be accompanied by a Toxic and Radiological survey that recognises this and also takes account of waste material spread on the land from the adjoining Vital Earth operation.

43. It is unfair that Ashbourne Town Council seek to fulfil their housing requirement by suggesting building outside their parish.

44. Whilst the site was historically an airfield it has been largely greenfield for many years.

45. The site is a haven for wildlife with native and visiting birds and great crested newts.

46. Traffic rat running north at Osmaston junction would be passing through unfenced farmland and the ‘hole in the wall’ which will inevitably be further damaged to the detriment of its listed status.

47. The character of Bradley would be harmed by increased traffic and more children being dropped off and picked up at the school.

48. Properties on Ladyhole Lane already suffer flooding, noise pollution and smells. These problems can only be exacerbated.

49. Residents of Ladyhole Lane will suffer significant adverse impact to their visual amenity.

50. Ladyhole Lane is used by horse riders who would be seriously threatened by any increase in traffic.
51. The change in the character of traffic along Ladyhole Lane will undermine the livery business located there.

52. Question the need for this amount of new commercial premises.

53. Noise and smell from new commercial development will not create the right environment for new dwellings.

54. Development of the site would displace Derbyshire Radio Controlled Flyers Club who have invested heavily in resurfacing the cross runway and on other facilities.

55. This scale of development would alter the character of Ashbourne as an English Market Town.

56. The development is neither a suburban extension of the town or an independent village because of its location.

57. Traffic queuing at the new junction on the A52 would generate significant pollution.

58. The site is an equivalent distance from the town centre as Fenny Bentley.

59. Custom would be diverted from town centre shops to facilities on the site.

60. The plan takes away the identity of Yeldersley and prevents the local community coming up with a scheme of modest expansion.

61. The housing need of Ashbourne should be looked at holistically as part of the local plan process.

62. Whilst opposing this development would reluctantly support a development of up to 100 dwellings which provided a two acre buffer of woodland to Yeldersley and incorporated a roundabout access from A52 set further to the west.

63. Existing trees behind Ladyhole Lane should be retained as they are a habitat for wildlife.

64. The light industry to the rear of Ladyhole Lane should be just that without significant noise or pollution.

65. It does not appear that the developer has the support of Derbyshire County Council from a highways perspective.

66. The development is unlikely to be delivered in a five year time span.

67. The value of property on Ladyhole Lane will be adversely affected

68. The development is a ‘fait accompli’ as Ashbourne is unwilling to accept government house building targets.

69. The long term aim is to develop much more of the airfield and this should have been the application.

70. Ashbourne needs more jobs not more houses.

71. Any commercial elements should be complementary to existing provision and not compete with existing village facilities like pubs.
72. A new primary school should be provided on site.

73. New residents would be likely to complain about the Derby Radio Flyers Club putting its continued existence in doubt.

74. The provision of a 9.5m high screen mound will be conspicuous.

75. The development should be assessed against the existing development plan to which it is totally contrary.

76. The development does not meet the 45% affordable housing sought.

77. Existing problems of flooding and raw sewerage discharge from the airfield will need addressing.

78. The continuous sound of fans running at Vital Earth will harm future residents amenity.

79. Existing permissions granted already meet the strategic housing requirements.

80. Even if the Old Derby Road scheme is rejected allowing this development will exceed the strategic target by 152 dwellings.

81. The airfield site should be left for industrial expansion.

82. Members of DRCF travel considerable distances to Ashbourne to fly their aircraft. They would be seriously disadvantaged by having to go further afield.

83. The airfield is an historic and recreation asset and should not be developed.

Copy letters of objection – A total of 51 letters using a standard format have been submitted with 47 of these having a standard 4 points signed and dated and a further 4 having 3 standard points.

The 4 point letters raise the following issues: -

1. Residential housing should not be located so close to commercial enterprises on the airfield industrial site which emanate noise, smell and light pollution.

2. The airfield is grade 3 farm land used to grow arable crops and should be retained for this purpose.

3. The proposed access onto the A52 is too close to the existing junction of Ladyhole Lane and Church Lane. It will cause traffic congestion and impede emerging vehicles travelling between Ashbourne and Derby particularly those accessing A and E services.

4. The increase in primary school children that an extra 367 houses will generate can only add more chaos to existing parking and traffic flow problems around Osmaston Primary School.

The 3 point letters make the following observations: -

1. Residential housing should not be sited too close to commercial enterprises on the airfield. The smells, particularly from Vital Earth are at times unbearable. The compost created by Vital Earth contains litter and plastic and this is blown around the airfield and would have an adverse impact on residential properties. The airfield site also suffers from infestations of flies which swarm and bite people causing discomfort.
2. The airfield is green belt and should be protected as such. It is also grade 3 agricultural land and should be kept as productive farmland.

3. The proposed access is too close to the existing junction and will lead to congestion and impede emergency vehicles.

**Letters from local businesses**

A total of 4 letters have been received from local businesses raising the following points:

1. The proposal to use the Blenheim Road access for construction and not form the new access until the development is substantially complete is unacceptable.

2. The creation of a new signal controlled junction will add to congestion that occurs on Derby Hill and provision of a roundabout should be pursued and this should be provided at the commencement of development.

3. Gas, electricity, water and other utility supplies to local businesses could be interrupted during development.

4. The existing electricity supply is already unpredictable and this matter could be worsened.

5. The existing sewerage system is incapable of accepting additional flows and an entirely new system is needed for the development.

6. The potential for the new road being used by domestic cars as a short cut will cause an undesirable mixing with commercial vehicles.

7. Premises provided need to be offered at affordable prices to allow for business expansion.

8. Residents of the new housing will be exposed to significant odours from nearby businesses.

9. Rodents are present in the locality, especially at Vital Earth.

10. This is an opportunity to create a new access/exit for the industrial estate.

11. The new residents would be too close to an industrial estate exposing them to risk from these industrial processes and associated traffic.

12. Local road infrastructure will not be able to cope.

13. Future residential occupants are highly likely to complain about emissions and future business expansions.

14. The existing surface water drains are inadequate and problems with flooding could be exacerbated.

15. The long-term commercial viability of the industrial estate could be jeopardised.

16. Any buildings located within 250m of the existing industrial estate will be exposed to noise and other emissions that are unavoidable. Properties should be sited further away.

**Representations made by planning consultants:**

Two letters have been received raising the following issues:
1. The development is sited at the far eastern end of the airfield. In this location it has no obvious association with Ashbourne and is a marked incursion into the countryside.

2. The site which was originally an airfield is not brownfield as the airfield use ceased in 1954 and the site has recently been used for growing arable crops. It should be considered a greenfield site.

3. Whilst it is recognised that greenfield land needs to be developed to meet the housing needs of the town this should be directed to sustainable locations well related to the town whereas this proposal is in an isolated location, creating a new village.

4. The Housing Options paper for Ashbourne gave this site only priority 2, below the priority given to Hillside Farm and Old Derby Road.

5. An independent assessment of the impact of the 4 main sites around Ashbourne proposed in terms of sustainability has been undertaken. The site comes out with the greatest negative impact. The site at Old Derby Road is the most sustainable of the 4 options.

6. The submitted application does not propose affordable housing to accord with policy which it is suggested is unviable. This lack of transparency is contrary to National Planning Guidance.

7. The Transport Assessment submitted still identifies future capacity issues at Derby Road/ Blenheim Road and Compton Street/ Station Road, therefore local congestion will increase.

8. The proposed bus service link into the site is not detailed in terms of funding and duration of this. As such, the provision of this service is not guaranteed.

9. In terms of interpreting the weight to be given to policy SA8 as the emerging Local Plan has not been examined and substantial objections exist to this allocation, it is not considered that the policy can be afforded weight in decision making.

10. The failure to make adequate provision for affordable housing means the scheme conflicts with SA8 in any event.

11. Since the site was proposed for housing over 460 objections were received for outweighing any support.

12. The proposed is clearly contrary to the adopted Local Plan which should continue to be the primary source of assessment until superseded by a new Local Plan. Only in exceptional circumstances should an application contrary to the adopted Local Plan be granted as the correct arena of assessment is the Local Plan Inquiry.

13. Planning Officers objective assessment suggested ASH3 (Leys Farm) was better located to meet the housing needs. Approving this development in advance of the Local Plan Inquiry could render the Council liable to legal challenge and compensation payments.

14. The site is at best only partly previously developed land and its allocation on the basis of being brownfield is misguided.

15. The development will adversely affect the character of Ashbourne by breaking out into adjoining rural parishes.
16. The site is remote and therefore unsuitable. Approving it in this context would run contrary to the golden thread in the National Planning Policy Framework. Any access to employment is outweighed by its general remoteness from other services.

17. Developing the site would be damaging to wildlife and biodiversity.

18. Whilst the site is adjacent to the Settlement Framework Boundary is with the industrial estate. In this location it will never integrate with the town and in effect it is a separate settlement.

19. The site is not pleasant for residential development and the industrial estate will be regarded as a nuisance for future residents.

20. Rather than located close to the town the development is sited next to the unneighbourly industrial uses downwind of them.

21. The industrial premises nearby will be subject to frequent complaints of nuisance which will not be addressed by the buffer proposed.

22. The remoteness of this site from facilities will impact most on those in greatest need, those requiring affordable housing and the elderly who need easy access to services.

23. The development could adversely affect Bradley Wood SSSI.

24. The development will lead to significant carbon emissions because of its remoteness and lack of public transport.

25. The development will provide unwanted business competition for Ashbourne Town Centre.

26. The development would destroy the nesting habitats of nationally rare birds on the site without appropriate mitigation.

27. The site is contrary to Strategic Housing Policy 8 as it cannot provide the appropriate mix of housing in a sustainable and inclusive way.

28. The development would entail the loss of good quality, productive agricultural land.

29. The development should have been accompanied by an Environmental Impact Assessment.

30. The application is premature and as it is outline offers no guarantees of its future form. The supporting documents are window dressing. The allocation of the site should be subject to proper scrutiny as part of the Examination In Public as otherwise the local plan process is brought into disrepute.

**POLICIES:**

1. Adopted Derbyshire Dales Local Plan:
   - SF1: Development Within Settlement Frameworks Boundaries
   - SF4: Development In The Countryside
   - SF5: Design And Appearance of Development
   - SF6: Protection Of The Best Agricultural Land
   - H4: Housing Development Outside Settlement Framework Boundaries
   - H13: Affordable Housing Exceptional Sites In Rural Areas
   - EDT1: Land For General Industrial And Business Development
   - EDT2: Existing Strategic Employment Land And Business Premises
   - EDT5: Industrial And Business Development Within Settlement Framework
1. Planning Policy Considerations

It is pertinent before considering the planning merits of this application to first consider the policy context within which decision-making is currently framed.

The National Planning Policy Framework (2012) sets out the Government’s planning policies and how these should be applied. It reaffirms that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Adopted Local Plan (2005) is the “development plan” and paragraph 215 of the National Planning Policy Framework states that from March 2013 onwards decision-makers should give due weight to relevant policies in existing plans according to the degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the degree of weight that may be given).
In terms of assessing what weight to give to the Adopted Local Plan policies it is important to recognise that they pre-date the framework and were drafted at a time when the Regional Plan set housing targets and it was envisaged housing requirements could be met within Settlement Framework boundaries drawn around the main settlements. This policy context has changed dramatically with the publication of the National Planning Policy Framework. Local authorities no longer have their targets set regionally and have to meet their own objectively assessed needs unless overriding environmental constraints prevent this or they reach agreement with neighbouring authorities to take on part of their need. In this context the policies directly relevant to this case, H4 and SF4, which currently would seek to resist development in the countryside are policies not in accordance with the framework and therefore would carry very little weight in the assessment of this type of application on this basis alone.

In addition to this requirement to meet objectively assessed the National Planning Policy Framework also requires local authorities to have a 5 year housing supply of specific deliverable sites (paragraph 47) based on the objectively assessed needs figure and a buffer in addition to this based on a further 20% over and above a 5 year supply if historically they have not met their objectively assessed needs annual supply consistently.

The Council went into the recent examination in public of the emerging local plan promoting a housing supply figure of 4400, well below objectively assessed needs. After 2 days of considering evidence the Inspector published his interim findings on housing supply and concluded that at least 6500 houses were needed to meet the objectively assessed needs. Based on these findings and having regard to the substantial further work required on the emerging plan and need for extensive public consultation on how to address this requirement the plan has been withdrawn from the examination in public.

The effect of the Inspector’s findings is that the Council must currently base its housing land supply calculations and decision-making on the figure of 6500. When this figure is distilled down to an annual apportionment it reveals a more demanding annual figure and a significant previous under performance against this in terms of housing supply. The effect of the objectively assessed need figure above is substantial on the calculation of the 5 year supply plus 20% and the Council falls well short of achieving the requisite 5 year supply.

The implication of not having an identified 5 year supply based on the objectively assessed needs of the district is spelt out in paragraph 49 of the National Planning Policy Framework whereby it makes it clear that without a 5 year supply the housing policies cannot be considered up-to-date.

This argument logically feeds through to paragraph 14 of the National Planning Policy Framework which states “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

“For decision-taking it further states that this means:

- “Approving development proposals that accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

  any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this framework taken as a whole; or specific policies in this framework indicates development should be restricted”.
Therefore, in summary, on this matter, in light of the Inspector’s findings on objectively assessed needs and the consequent absence of a 5 year supply and also bearing in mind the context in which Policies SF4 and H4 were framed, they can clearly no longer be given weight in assessment of this scheme as they are out-of-date. The scheme falls to be assessed on its merits in light of the contents of paragraph 14 and the harm caused by the development would have to significantly and demonstrably outweigh its benefits to justify its rejection as it is located in a broadly sustainable location immediately adjoining the Settlement Framework boundary of Ashbourne.

Whilst Policies SF4 and H4 of the Adopted Local Plan are not a sound basis for decision-making in light of the above the other policies of the Adopted Local Plan are considered to broadly accord with the National Planning Policy Framework and can still be given weight in decision-making read in conjunction with the National Planning Policy Framework.

The status of the emerging local plan also has to be assessed. Paragraph 216 of the National Planning Policy Framework allows authorities to give weight to relevant policies in emerging plans according to the stage of proposals, the extent to which there are unresolved objections and the degree of consistency with the Framework.

The withdrawal of the emerging plan from the examination in public effectively takes it back a stage whereby further analysis of the precise housing figure and how this might be met needs to be done. Having regard to this it is considered that its policies only have limited weight at this stage. Notwithstanding this it is logical in assessing this scheme to have regard to the general spatial strategy which underpins the emerging plan of focusing the majority of growth in or around the most sustainable market towns and to the fact that the site, in line with this spatial strategy was identified as one of the preferred options for housing covered by Policy SA8 of the emerging plan. This emerging plan policy has informed the content of the application submitted.

What can be readily deduced from the above is that the policy assessment of this application has 3 components. The National Planning Policy Framework is clearly a major consideration in relation to the requirements of paragraph 14 in the absence of a 5 year housing land supply. The adopted local plan policies remains relevant with the exceptions of Policies SF4 and H4 which are out-of-date in the context of considering major housing land allocations to satisfy the current and future needs of the district. Finally, the emerging local plan has some limited weight as it identifies the direction of travel for making housing requirements and the proposal is logically assessed for the degree to which it satisfied the objectives set by allocation Policy SA8.

Having explained the policy background and having carefully assessed the contents of consultee responses and public comment it is logical to breakdown the continued assessment of this scheme into the key following topics:-

- The sustainability of the development of this site to meet the housing needs of the district
- The benefits to the sustainability of Ashbourne from facilitating release of employment land
- Impact of development on the character and appearance of the locality.
- Impact on the highway network
- Meeting infrastructure requirements
- The viability of the scheme and affordable housing
- The living environment of existing and future residents
- Impact on wildlife and ecology
- Open space and recreation provision
- Archaeology
2. **The sustainability of the development of this site to meet the housing needs of the district**

The application site is part of a former airfield that’s partially within but predominantly adjoining the existing Settlement Framework boundary of Ashbourne to the south east of the existing Ashbourne Airfield Industrial Estate. The small element of the application site that lies within the Settlement Framework is the new roadway link to Blenheim Road and this component of the site is allocated for employment proposed in the adopted Local Plan. The remainder of the site comprises of a mix of former runways and airfield infrastructure separated by large tracts of arable land with the north east corner of the site used as a training centre for JCB with associated classroom facilities, buildings and areas used by heavy machinery for training purposes. The National Planning Policy Framework includes within its glossary a definition of previously developed land. Whilst elements of the site such as the runway areas and training facility would fit neatly into this category the presence of substantial elements of arable land within the site mean it is probably best described as currently a mix of brownfield and greenfield despite its former use as an airfield.

An assessment of the sustainability of the site needs to take this partially brownfield nature into account but also have full regard to accessibility by a range of transport modes and access to goods and services along with a consideration of the incursion into the countryside. These factors then need to be weighed against the extent of housing required, the other sustainability benefits delivered and the potential for the site to become more sustainable through the mix of uses and transport links created.

In terms of accessibility to a range of goods and services, despite abutting the current settlement the site is relatively remote from the town’s main facilities. Whilst employment opportunities are close at hand currently any residents of this locality are likely to be mainly reliant on the private car to access goods and services. Whilst this is an aspect of development in this locality which might make it less sustainable than other sites closer to the main town centre, the different components of the application cannot be ignored. The intention is to provide a mixed use hub with local convenience shopping/commercial facilities and the potential for a public house. It is envisaged that these would serve to reduce car borne trips and also provide facilities for the adjoining industrial estate thereby to some degree enhancing their sustainability.

In addition to these local facilities, it is intended that a bus service is established which will link through the current industrial estate. The applicants have been in discussions with public transport operators and have agreed to subsidise a service for a 5 year period to allow the route to establish. On the basis of the scale of development proposed and the presence of the adjoining major source of employment, there would appear to be a good prospect of establishing a regular bus service thereby enhancing the sites sustainability.

It is also pertinent in assessing the impact of this development to analyse the impact it will have on the character and appearance of the locality. The development is a bit of a strange hybrid in this regard. Whilst it is intended as an extension to the town, because it sits well outside the existing residential framework of the town and will dominate the adjoining hamlet of houses it might of the face of it appear as an isolated new settlement. Whilst such a development will change the character of the locality subject to careful consideration at the design stage there is no overriding reason as to why a more village like design ethos rather than suburban concept cannot work successfully in allowing the development to achieve an appropriate sense of place.
In summary, on this point, whilst the relative isolation of this site from the main town facilities and incursion into the countryside limits its sustainability to some degree, the establishment of a local bus service, local centre for facilities, the sustainability benefits to the industrial estate and its partially brownfield nature serve to counterbalance these findings.

3. **The benefits to the sustainability of Ashbourne from facilitating the release of employment land**

Ashbourne Airfield is a successful mixed employment site with high levels of occupancy. As can be deduced from the comments of the Council’s Head of Regeneration and Policy, in order to allow business to continue to thrive via new start-ups and expansions, thereby enhancing the employment opportunities in the town and its sustainable growth, it is important that further employment land is released. The existing access to the industrial estate along Blenheim Road is subject to congestion and substantial expansion requires new road infrastructure. The mixed use scheme proposed provides the necessary cross subsidy through the housing proposed to facilitate the new access to the A52 and link to Blenheim Road in the early stages of development. Without this mix of uses it appears unlikely that the unlocking of further employment land and the opportunity it provides for the town would be forthcoming and this should be viewed as a significant positive outcome of the scheme. The mix of B2, B1 units and an enterprise centre should meet the range of future demand for employment expansion in the town and thereby contribute to achieving corporate economic objectives.

4. **Impact of development on the character and appearance of the locality**

In 2 above, the relatively isolated location of the development is acknowledged along with the significant change that will occur to the character and appearance of the locality. Beyond the sustainability implications of this it is also logical to also assess the degree of visibility and harm that might be caused to landscape character and appearance.

In the assessment of potential development sites undertaken in the preparation of the emerging plan a Landscape and Visual Assessment of the whole of the airfield was undertaken. The assessment concluded that there was considerable scope for development across most of the site, sensitive areas were identified close to the ridgelines on the northern and eastern sides which should be protected from development and the need for a landscape buffer to protect the integrity of the small community on Ladyhole Lane was also identified. It was also recognised that development should not go south east beyond Ladyhole Lane.

The visual analysis undertaken by the Council identifies that views from the north are long distance ones filtered by vegetation, with views from the east similarly largely screened by existing planting and landform. Localised views from the south east are more open from Ladyhole Lane and some of the properties, whilst there is some visibility from the south west and views of the site from properties to the south west. Views from further afield from Osmaston and its Conservation Area to the south are limited, due to intervening vegetation and distance such that no significant impact would result to its setting.

Whilst comprising a very substantial land release which will inevitably have some adverse impact on landscape character and visual amenity, the generally flat nature of the site and the absence of clear views across into it mean that any impact is mitigated such that the overall harm to landscape character and visual amenity is not substantially adverse. The harm that is caused can be further mitigated by the inclusion of screen planting along the A52 frontage, the retention of open land and screening to the rear of properties on Ladyhole Lane, a new belt of planting along Ladyhole Lane and a buffer of vegetation to the north east linking to wildlife areas. The applicants masterplan has indicated all of these measures. Overall the impact of development on the character of the landscape and visual amenity is not something that weighs significantly against the development.
5. **Impact on the highway network**

The one aspect of the development that isn’t reserved for future consideration is the new access into the site. The application description above includes full details of this new roadway access onto the A52. It is also proposed to link the new access through the site to the existing access road into the industrial estate Blenheim Road.

The Highway Authority have carefully considered the location and form of access to the A52 and despite public comment to the contrary, are satisfied that safe access can be formed from a signalised junction of the dimensions proposed with the forward visibility detailed. They require this new access to be formed as the first phase of the development, a proposition agreed to by the applicants to avoid construction traffic utilising the route via Blenheim Road to get to the site, and exacerbating congestion on this roadway. They have also requested that the link to Blenheim Road is formed early in the development process and suggested that no more than 50-75 dwellings are occupied before the link is established. This assumption has been built into the costings of the project and viability assessment discussed below.

Whilst the Highway Authority are satisfied that a new signalised junction to the A52 can work and it is likely that some pressure will be taken off the existing junction with Blenheim Road, overall they consider that traffic levels will increase through the town centre as a result of the development. The junction most immediately affected is that at the bottom of Derby Road and the development will take this beyond capacity. In their initial response the Highway Authority requested a sum of £500,000 to carry out highway improvements across the town centre as it is recognised that more benefit may derive from a number of small adjustments rather than a major scheme on one junction. In response to this the applicants have sought to confine the contribution to that necessary to improve the junction at the bottom of Derby Road and have estimated a sum of £243,000 to achieve this. Without prejudice as to what form highway improvements may take and where they may occur as modelling of the impacts may throw up a range of options the Local Highway Authority have agreed that a sum of £243,000 is an appropriate level of contribution from this application to offset its impact on the wider network.

The suggested 106 terms include subsidising a bus service and implementing and monitoring a Travel Plan both of which are considered beneficial and will enhance sustainability and minimise private vehicle trips.

The strategic response from the County Council seeks to secure a range of footpath improvements beyond the site. Whilst these have been considered where these will not directly enhance sustainability they will not be pursued as the impact on the costings of the development will limit the ability to meet other planning objectives.

Overall, the development with the mitigation proposed will not have a significant adverse impact on the highway network.

6. **Infrastructure requirements**

The County Council in their detailed response have identified a range of requirements for payments to provide for infrastructure linked to the development. The provision of financial contributions to provide for schools infrastructure is a long established and accepted area whereby local authorities can seek to secure monies through a legal agreement to cater for the demands created by the development. The applicant has agreed to meet the cost of primary, secondary and post 16 places likely to be generated by the development. In relation to the latter the applicants have also been in discussions with the Town Council and Neighbourhood Plan Steering Group with regards to utilising funding to create an Enterprise/Vocational Learning Centre on the airfield. This would in theory appear to be
an acceptable alternative means of contributing to post 16 education and any legal agreement can be worded to give a degree of flexibility.

The County Council have made a request that high speed broadband be facilitated. This has been built into the costing for road infrastructure and could be reasonably conditioned.

The provision of a new bridleway / footway as part of the internal road design has also been requested. This can be secured through condition and future maintenance secured as part of any subsequent adoption procedure.

The public right of way team have requested new footpath links be created to the north west and north east to join up with the existing footpath network. Whilst this may be seen as desirable the footpath links are not considered to provide any sustainability benefits by linking the development to jobs and services. Given the cost estimate for forming these links of circa £90,000 their provision will not be pursued as it is not reasonably necessary to make the scheme acceptable in planning terms.

The request to make all new homes comply with Lifetime Homes standards is also seen as desirable but not essential and the cost of this would have to be borne by the developer to the detriment of securing other planning objectives.

The overall package of infrastructure provision by the developer assessed in the context of the other works and measures described in the section on highway safety above is considered to satisfy those needs generated by this development and Local Plan Policy. The provision and cost of infrastructure has a direct impact on the viability of the scheme and its ability to deliver affordable housing discussed below.

7. The viability of the scheme and affordable housing

The development of this site with its partially brownfield character and substantial upfront investment in infrastructure required has been the subject of detailed analysis over viability. The applicant’s have submitted their own set of costs and returns and these have been independently analysed by the District Valuer on the Council’s behalf.

The substantial exceptional costs that have to be borne by this development can be summarised as follows:-

- Education costs approximately £2.2 million
- Contribution to highway improvements £243,000
- Travel Plan costs £112,000
- Bus service establishment £250,000
- Balancing ponds £200,000
- Compensatory land management for Lapwings £111,000

In addition to these costs totalling in excess of £3 million the nature of the development site in terms of roadway provision, utilities provision and potential contamination handling, make the standard costs of delivering the scheme at the high end of the range.

The mix of uses on the development site also includes elements that on their own might not be commercially attractive such as community facilities and enterprise centres and these serve to further depress the level of commercial return that might otherwise be achieved by a purely market driven scheme.

As already mentioned the costs and end values from the development have been carefully considered by the Council’s own independent consultants and the return on the development after the developer has taken a reasonable commercial profit equates to the provision of 39 affordable units on site or 10.7% of the housing proposed. This level of
affordable housing clearly falls well short of the Council’s usual aspirations. The Adopted Local Plan seeks 45% provision on sites of this scale within Settlement Frameworks and the emerging plan, albeit with its housing policies untested and contested retains the aspiration for 45%. The limited provision of affordable housing weighs against the scheme to some degree but is largely dictated by exceptional costs that cannot be avoided.

8. The living environment of existing and future residents
The nearest existing dwellings to the application site are those along Ladyhole Lane returning along the A52 at its junction and those to the south west which currently lie to the north of the A52 between it and the industrial estate.

The residents of the former group of buildings will clearly experience significant change to their immediate environment. They currently back onto the open land of the former airfield. Industrial and commercial development will be introduced to the west of them and residential to the north. Whilst this will be a significant change, the indicative masterplan submitted suggests the provision of a substantial belt of screening to the west and north of these dwellings. Whilst this is indicative the amount of land proposed to be set aside should allow for substantial tree planting that will significantly ameliorate any direct impacts from the development.

The dwellings to the south west lie some distance from the site boundary. Screening is shown on the indicative masterplan all the way along the A52 frontage and wrapping around the south west corner. Given this planting and separation the additional impacts on amenity to these dwellings should not be unduly significant.

The existing industrial estate has current operations that have the potential to generate noise, bio aerosol and odour problems. Some of these such as Vital Earth are monitored by the Environment Agency whilst others such as Frank Wrights are under Environmental Health jurisdiction. It is clearly not appropriate to put new residents in a living environment whereby they would be exposed to significant noise, bio aerosols or odour nuisance. The closest installation to the residential properties shown on the masterplan is Vital Earth whose composting operation can create bio aerosols and significant odours. The indicative masterplan shows a separation of the nearest dwelling from this site boundary of 300m. The precise separation that is appropriate was the subject of discussion as part of the Local Plan process. The Environment Agency have published guidance for development requiring planning permission and environmental permits (October 2012). This guidance has a section on the location of new composting operations. It suggests that new in vessel composting operations to be sited within 250m of dwellings will need careful consideration and may need to incorporate additional measures to make them acceptable in relation to bio aerosols and odours. The inference of this guidance is that outside 250m special measures are not required. It is appropriate to apply the logic of this document to the reverse situation whereby new properties are being introduced near an existing composting operation and seeks a separation of at least 250m to avoid significant exposure and nuisance and thereby complaints. The current masterplan shows a minimum separation of 300m from the newest proposed dwelling. With this degree of separation, whilst it is not claimed that residents will not experience odours, the level of nuisance is not considered so significant as to make this an unacceptable place to live.

In relation to noise the scheme incorporates a bund alongside the boundary with Vital Earth to limit noise transmission. This will be 7.5m with a further fence on top. Environmental Health have considered this detail and are satisfied that existing noise generators will not pose a noise nuisance to new residents. Whilst the mound may be quite stark initially appropriate planting should aid its integration with time.
The new industrial development is separated from the residential components of the scheme by the mix of commercial and community uses in the masterplan. This arrangement should prevent significant noise nuisance to future residents.

Overall, on this issue, whilst some future residents may experience noise and odour in this environment the extent of these impacts is not so significant as to make this an unacceptable location for new dwellings.


The application has been carefully assessed by Derbyshire Wildlife Trust on the Council’s behalf. The main area of interest that arose from their analysis of the site to be developed is the use of the arable land on site by ground nesting birds, particularly Lapwing, but also Skylark. Lapwing are a UK BAP priority species and are on the Red List of Birds of Conservation concern. The site appraisal submitted by the applicants revealed a significant population of 25-50 pairs. The failure to offer up appropriate mitigation to deal with the displacement of these birds to sub-optimal habitat initially led to objection from the Derbyshire Wildlife Trust on the basis of conflict with paragraph 118 of the National Planning Policy Framework. Since that time they have been in negotiation with the applicants who farm substantial areas of land in the wider locality over coming up with a mitigation scheme.

The mitigation scheme now proposed which will need to form part of a legal agreement entails managing the airfield land in accordance with Natural England Guidelines for managing farmland for Lapwings and Skylarks until that component of the land is developed.

As the land is developed in phases each phase will be released from the management regime up to the point when only 16 hectares remain to be developed at which point all the remaining land will be released and at the same time 16 hectares of land in the applicants ownership within 5km of the airfield will come under management and will be managed as such for 10 years.

At the end of this 10 year period either 5 hectares will remain in management for a further 5 years or £18,000 will be paid to Derbyshire Wildlife Trust to be spent in 5 years on the creation of habitat for Lapwing / Skylark within Derbyshire Dales.

The Wildlife Trust are satisfied that this mitigation regime is a reasonable approach to compensating for loss of habitat and as such have withdrawn their objection.

They have made other comments in relation to great crested newts, badgers and nesting birds but are happy to see these issues covered by condition. On balance, therefore, the scheme, as amended/mitigated, has no significant adverse impact on wildlife and ecology and is in compliance with the relevant policies of the Local Plan and National Planning Policy Framework.

10. Open Space and Recreation

The indicative masterplan layout incorporates the provision of a recreation area incorporating a full size and reduced sized playing pitch along with other recreational land. In addition the layout incorporates linear parks and swales and provision for play equipment. The land to the north east of the site is to be utilised for a series of ponds and swales to manage water run-off and beyond this a wildlife area is to be created. Albeit that this information is indicative at this stage the site is large enough to cater for the formal and informal recreation of future residents in a manner which can also serve to enhance biodiversity. The aims of national guidance and local plan policy in this regard are satisfiend.
11. **Archaeology**

The application site is a substantial tract of land which has had some disturbance in terms of runways and other airfield infrastructure but also includes extensive areas of undisturbed land used for farming. As can be deduced from the comments of the Development Control Archaeologist, the wider locality has some prehistoric archaeological interest and on that basis, despite the desk-top study submitted, a geophysical survey is considered necessary prior to any final layout being agreed. Whilst the Development Control Archaeologist would have preferred this to have occurred before this application was determined, because of the difficulties of carrying out such a survey with a standing crop on site the DC Archaeologist has accepted that this matter can be reasonably conditioned given the outline nature of the proposal. It will then be incumbent upon the applicant to have a geophysical survey undertaken prior to reserved matters submission and incorporate any implications from this into their subsequent reserved matters submission. This is considered to be a sensible and pragmatic approach in this case and broadly accords with paragraph 128 of the National Planning Policy Framework.

12. **Contamination and Drainage**

The Council’s Environmental Health team have assessed the contamination report and remediation proposed and are satisfied that any issues that arise in removing former runway and airfield infrastructure can be reasonably conditioned.

The extent of the site means that surface water from it will be a significant issue that needs to be dealt with. The indicative layout suggests that a network of swales and balancing ponds will be utilised to deal with surface water flows. This accords with good practice in terms of sustainable urban drainage (SUDS) and the Environment Agency have considered the applicants submission and have recommended an appropriate planning condition.

13. **Other Matters**

The representations received raise a number of other points that require assessment and clarification.

A number of objectors have raised the issue of prematurity and suggested that this application should not be determined favourably based on it being submitted ahead of the Examination in Public of the emerging local plan. The current plan situation has been explained earlier in this report and the absence of a 5 year housing land supply is now evident on the Inspector’s findings. Whilst prematurity can be a planning consideration the current status of the emerging local plan and the absence of a 5 year housing land supply mean that paragraph 14 of the National Planning Policy Framework and the balancing exercise it advocates are the primary basis for determining this application and whilst the public frustration with the current planning situation is understandable, turning this application down on prematurity would be highly unlikely to be defendable on appeal.

The speed of delivery of this scheme has been questioned and its potential to contribute to the 5 year supply. Whilst this project will take time to get off the ground, its contribution to the 5 year supply is not a significant factor in this assessment.

The potential for the arable land on the airfield to constitute grade 3 agricultural land has been highlighted as a reason to resist development. Local Plan Policy SF6 offers a degree of protection but only to grades 1, 2 and 3a and even if the land were grade 3a this does not prevent its development, should there be an imperative reason to accommodate development that cannot be readily accommodated elsewhere. The need to meet the housing requirements of the district in a sustainable location would constitute such an imperative.
The residents of Osmaston have understandably expressed concern over the impact on the school and village from vehicles dropping up and picking off children. Whilst this concern is noted it would not form a sound basis for resiting the scheme.

The public comment has also expressed concern over the impact of development on the attractiveness of the town to visitors. Whilst this is noted the sensitive implementation of this scheme incorporating planting to the north of the A52 should limit any perceived impact. Visitors to the town arriving along the A52 currently have views of the airfield on their approach and, therefore, little will change in this regard.

Finally in relation to other matters it has been suggested that the application should have been accompanied by an Environmental Statement as Environmental Impact Assessment development. Whilst it is acknowledged that the development will have significant environmental impacts it was formally screened during consideration. In this regard it falls to be considered under Schedule 2 of the Environmental Impact Assessment Regulations (2011). Under these regulations the Council have to screen development and decide based on its characteristics, the sensitivity of the location and the potential characteristics of any impacts if those environmental impacts are very significant such that EIA is required. Having due regard to all these matters the Council concluded that the development did not in this case constitute EIA development. A copy of the Screening Opinion is available to view on the public file.

14. The Planning Balance

The first component of this issues section set out the current planning circumstances concerning the adopted Local Plan, the emerging Local Plan and Inspector’s findings, the current housing land supply situation and what this means for decision-making in terms of the overarching policies of the National Planning Policy Framework. The emerging local has been withdrawn from the examination in public and considerable further analysis and public engagement is required in relation to meeting the Council’s Objectively Assessed Needs for housing. In the meantime, the Council cannot reasonably decline to determine applications on prematurity. Policies SF4 and H4 of the adopted Local Plan are also not a sound basis to reject a scheme such as this as they are both out of kilter with the framework and paragraph 49 of the framework is explicit in ruling them out-of-date in the context of the Council not being able to demonstrate a 5 year housing supply.

Therefore, in the current set of circumstances, the overarching basis for assessing this application is Paragraph 14 of the National Planning Policy Framework. This guidance requires decision-takers where the development plan is absent, silent or relevant policies are out-of-date to grant permission 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; or
- specific policies in the framework indicate development should be restricted

Whilst this guidance has a presumption in favour of sustainable development it is not a green light to approving development that is clearly unsustainable in terms of its location and comparative scale.

In balancing the merits of this scheme, therefore, it is first important to reach a judgement on the sustainability of the location. In this regard, whilst the site lies outside the current residential framework of the town of Ashbourne it does abut the Settlement Framework. Although there are impacts on the character of the area and accessibility to the town centre is limited on foot, the proposal includes a range of facilitates on site to lessen car borne trips, has ready access to employment opportunities and should allow for the establishment of a bus service to serve the locality and adjoining industrial estate. Having due regard to the fact that any expansion of the town to meet its objectively assessed
needs for housing is likely to otherwise go onto greenfields with limited accessibility on foot to the main facilities of the town, the expansion of Ashbourne in the manner proposed is not considered to be an unsustainable location for housing in the round having due regard to the options available.

The development also facilitates the expansion of employment opportunities for the town which will help to encourage its sustainable growth in the future by limiting out commuting to work.

As the development is considered to be a generally sustainable location for development the test in paragraph 14 requires the decision-maker to assess if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The analysis above highlighted some concerns in relation to highways and ecology which can be mitigated. In addition, it is fair to say that future residents may experience some odour and noise nuisance and that for residents of Ladyhole Lane the character of their living environment will change. Perhaps the most significant failing of the development is its inability to provide for a substantial element of affordable housing within its mix. However, the amount proposed has been independently scrutinised and the developer is to finance a range of facilities and meet other infrastructure costs which severely constrain the ability to provide more than is proposed.

Whilst of limited applicability because of the withdrawal of the Local Plan from examination in public, it is pertinent to assess the degree to which the scheme has met the aims of Policy SA8 on which it was based. Whilst only in outline, it is fair to say that all the aims bar meeting the Council’s usual aspirations in terms of affordable housing have been met.

In the final balance, whilst the release of development sites ahead of the Local Plan process running its course is understandably unpopular, the publication of the National Planning Policy Framework has changed the balance in decision-making to promote more housing and other forms of sustainable development. In the current circumstances and having due regard to the contents of paragraph 14, it is concluded that the benefits of granting permission for this generally sustainable development which will deliver opportunities for sustainable economic development and which broadly accords with Local Plan policies which are consistent with the framework are not significantly and demonstrably outweighed by any adverse impacts. As such, the granting of permission is appropriate.

OFFICER RECOMMENDATION:
Delegate authority to the Development Manager to grant permission subject to conditions on completion of a legal agreement to secure payments in relation to education facilities, improving the highway network, establishing a bus service and setting up a travel plan and to secure a scheme of farmland management to mitigate the impacts on ground nesting birds.

Conditions are required to cover the following matters.

1. Time limit for implementation
2. Submission of Reserved Matters
3. Construction management plan
4. No development to commence until temporary access for construction has been provided to the A52.
5. No operations commenced until detailed phasing agreed.
6. Prior to occupation of dwellings or industrial premises, new permanent junction formed to A52.
7. No more than 75 dwellings erected and occupied before link to Blenheim Road has been laid out and constructed.
8. Reserved matters application to include road layout that complies with “Manual for Streets”.
9. The internal layout for the residential component shall be designed in accordance with 6C’s guide.
10. No dwellings occupied until parking / turning for residents provided.
11. Garaging and parking for each dwelling retained.
12. Industrial / commercial premises not occupied until their parking / turning areas laid out.
13. Driveways no steeper than 1 in 14 for 5m.
14. Internal residential streets to junctions to have minimum 2.4m x 25m visibility splays.
15. Direct access points to internal link road to have 2.4m x 43m visibility splays.
16. The residential estate street layout to be provided with 25m forward visibility sightlines.
17. Private driveways / parking spaces for individual properties to have 2.4m x 25m visibility splays.
18. Driveway / parking spaces to have 2m x 2m x 45° pedestrian intervisibility.
19. Works shall not commence until scheme for disposal of highway surface water submitted and agreed.
20. Premises not occupied until a full Travel Plan submitted and approved.
21. Full details of on-site provision of affordable housing and mechanism for transfer and future management to be agreed and implemented.
22. Full details of on-site provision of playing fields, recreation spaces and play equipment and its future maintenance to be submitted, agreed and implemented.
23. No dwelling to be located closer than 300m to the boundary of Vital Earth premises.
24. Scheme of remediation of contamination submitted, agreed and implemented.
25. Full details of SUDS compliant drainage to be submitted, agreed and implemented.
26. Field evaluation for archaeology to be carried out ahead of Reserved Matters submission and its findings to inform Reserved Matters submission.
27. Farm Management Plan for application site to be submitted and agreed.
28. Submission of a scheme of mitigation to compensate for loss of terrestrial habitat for great crested newts to be submitted, approved and implemented.
29. Measures to safeguard badgers during construction to be submitted, agreed and implemented.
30. Scheme of management and maintenance of the wildlife area to be submitted, agreed and implemented.
31. No removal of vegetation or building demolition during bird breeding season.
32. Precise breakdown of commercial and industrial floorpsace to be submitted as part of Reserved Matters submission.
33. Layout of roads to incorporate measures to facilitate broadband, details of which to be submitted, agreed and implemented.
34. Details of the internal road layout shall incorporate a bridleway / footway link between Blenheim Road and Ladyhole Lane.
APPLICATION NUMBER | 16/00374/FUL
---|---
SITE ADDRESS: | Four Lane Ends Farm, Gibfield Lane, Hulland Ward
DESCRIPTION OF DEVELOPMENT | Use of premise for commercial dog breeding and boarding purposes, replacement kennel and erection of new isolation unit

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>Mr Chris Whitmore</th>
<th>APPLICANT</th>
<th>Mr and Mrs R Bowler</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARISH/TOWN</td>
<td>Hognaston</td>
<td>AGENT</td>
<td>Mr Brian Reid</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. L. Rose</td>
<td>DETERMINATION TARGET</td>
<td>23rd December 2016</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>More than five unresolved objections received</td>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>No site visit required - Members visited the site on the 17th January 2017</td>
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MATERIAL PLANNING ISSUES

- Whether the use of the site for dog breeding and boarding purposes is acceptable having regard to its rural location;
- the impact of the development on the local environment including the residential amenity of the occupants of nearby residential properties;
- the impact of the replacement kennel building and isolation cubicle on the character and appearance of their surroundings, and;
- whether there would be any highway safety implications.

RECOMMENDATION

Approval with conditions
16/00374/FUL

Four Lane End Farm, Hulland Ward

Derbyshire Dales DC

Date: 02/03/2017

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Derbyshire Dales District Council,
Tunslow Hall, Bank Road, Matlock, Derbyshire DE4 3NW.
Telephone: (01629) 781195
website: www.derbyshiredales.gov.uk
1. THE SITE AND SURROUNDINGS

1.1 Four Lane Ends Farm lies in open countryside at the junction of Gibfield Lane and Dog Lane, approximately 1km to the north west of Hulland Ward. No longer a working farm, the grouping comprises a large red brick dwellinghouse (see photograph 1) and a series of storage buildings mainly associated with a dog breeding business (see photographs 2 and 3). A dense hedge of native and evergreen species lines the north and south western boundaries and filters views of the site from Dog Lane and Gibfield Lane. Access is from Gibfield Lane. Brick Kiln Farm lies to the south west of the site and Over House Farm, Stydd Farm and The Hayloft are located to the south east.

2. THE APPLICATION

2.1 An application for replacement kennels and the erection of an isolation cubicle was received by the Local Planning Authority on the 25th May 2016. Although the applicant indicated that a commercial dog breeding business had been operating from the site for some time, no permission had been granted for such use by the Local Planning Authority. Based on the nature of the proposed business and the number of dogs to be accommodated at the site, it was not considered that such activity could be construed as being incidental to the domestic enjoyment of the existing dwellinghouse. The applicant was advised in an email of the 12th October 2016 that the application should include a change of use of the buildings / parts of the site that were being used for commercial dog breeding purposes. The application was re-registered on the 28th October and the description of development changed to include the use of the premise for commercial dog breeding purposes with the applicant’s agreement.
2.2 A block plan has been submitted, which shows capacity within the existing and replacement kennels to accommodate up to 54 dogs. The applicants seek retrospective permission for the replacement kennel building located at the southern end of the site and a new isolation cubicle to the north and permission to use these buildings and the remaining kennels for commercial dog breeding and boarding. The replacement kennel building is 18.3m wide by 4.65m deep and replaced a dilapidated wooden building. It is faced in polycarbonate sheeting and has a shallow dual pitched roof, 2.4m high to ridge and will be able to accommodate up to 15 dogs.

2.3 The new isolation cubicle is a smaller building, some 7.8m wide by 4.65m deep. It is of a similar appearance to the replacement kennel building and can accommodate up to 6 dogs. In between these buildings a series of existing kennels exist. The application seeks permission to use these kennels for breeding purposes. They are shown to be able to accommodate up to 36 dogs.

2.4 The application is accompanied by a noise survey, which considers noise outbreak from the replacement kennels and the isolation cubicle. The applicant’s agent has also prepared an assessment of projected traffic movements based on 15 boarding kennels and a reduction in the number of breeding dogs. These documents have been considered by the relevant consultees and are considered in more detail in the issues section of this report.

2.5 A supporting letter from the applicants vet also accompanies the application, which advises that the previous kennels presented significant challenges in terms of maintaining hygiene, disease control and safety. The new arrangements are considered to be a significant improvement in all these areas.

2.6 Following member deferral of this application at committee the applicant has now submitted a Noise Management Plan (NMP).

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tr>
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<td>Development in the Countryside</td>
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<tr>
<td>SF5:</td>
<td>Design and Appearance of Development</td>
</tr>
<tr>
<td>EDT8:</td>
<td>Design and Appearance of New Industrial and Business Premises</td>
</tr>
<tr>
<td>EDT13:</td>
<td>Buildings Associated with Agriculture, Forestry and Other Rural Based Enterprise</td>
</tr>
<tr>
<td>EDT15:</td>
<td>New Build Industrial and Business Development Outside of Settlement Frameworks</td>
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<td>NBE8:</td>
<td>Landscape Character</td>
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<td>NBE12:</td>
<td>Foul Sewage</td>
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<td>TR1:</td>
<td>Access Requirements and the Impact of New Development</td>
</tr>
<tr>
<td>TR8:</td>
<td>Parking Requirements for New Development</td>
</tr>
</tbody>
</table>

3.2 Other:
- Derbyshire Dales Deposit Draft Local Plan (August 2016)

4. RELEVANT PLANNING HISTORY

4.1 None.
5. CONSULTATIONS

5.1 Hognaston Parish Council:

Object strongly to the current application on the following grounds:

1. The use of these premises for commercial dog breeding has caused an unacceptable level of noise to be inflicted on local residents, with in one particular case significant health problems arising in consequence. This is a rural area with a very low level of ambient noise, and the noise pollution generated by a breeding kennels therefore represents a major disturbance to the noise fabric of the local area. Nothing that has been allegedly done so far has alleviated the problem, and it appears unlikely that proposals submitted will satisfactorily reduce the noise impact. Hognaston Parish Council therefore object strongly to any change of use being granted.

The Parish Council point the Local Planning Authority to their comments relating to the noise report submitted in October 2016, namely:

The report appears to suggest that, because it would be unrealistic to reduce noise emissions below SAI levels (<10dB above background) in a countryside location, an assessment against ‘desirable noise levels’ is more appropriate. The Parish Council fundamentally disagrees with this as it condones noise levels that are not in harmony with a countryside location and which would ‘harm the character, appearance or environment of the site or its surroundings or … the amenity of occupiers of nearby properties’ (Policy EC1 in the Draft Local Plan).

Furthermore, even if taking DNL rather than SAI as the criterion, to bring noise levels within acceptable parameters would require, the report suggests the implementation in full of a number of retrospective fixes to the existing structures (e.g. insulated panels and sealing the structure). HPC queries the extent to which these can be (or would be) retro-fitted to an existing structure.

The report suggests that noise mitigation measures in respect of exercising dogs can be undertaken by the applicant – indeed such measures (based on somewhat conjectural and optimistic assumptions regarding the pattern of dog barking) appear to be required to bring the noise down to a level that is close to desirable noise level parameters. HPC suggests that in practice the assumptions and the measures proposed (e.g. number and type of dog being exercised) appear advisory, ill-defined, unrealistic, unenforceable and therefore too easily circumvented or ignored. With regard to un-kennelled dogs, the report further suggests that noise breakout could be mitigated by exercising dogs nearer the east facing façade: this would appear to impact adversely on the occupant of Gibfield Farm whose family currently suffer significantly from noise disturbance.

The additional mitigation measures proposed fail to give adequate reassurance that the level of misery being experienced by nearby residents will be reduced. Councillors are unconvinced that measures proposed within the latest noise survey will make any significant improvement to the noise levels experienced even if implemented in full – and, in the light of previous developments at this site, have little faith either in such measures being implemented willingly, or in the eventuality that they are not taken, being capable of enforcement. It should perhaps be noted that the initial application documents suggested that mitigation measures had already taken place with the façade construction and installation of ultrasonic behavioural systems; neither of these
appears to have made any improvement to the noise impact on residents who regularly find the noise generated unbearable, both by day and night.

2. With regard to the proposals to develop the site, as previously stated these will lead to an increase in what is an already unacceptable level of noise from barking dogs experienced by adjacent residents. As such it contravenes Policy EC1 in the Deposit Draft Local Plan (August 2016) which states that business development should “be of a type and scale of activity that does not harm the character, appearance or environment of the site or its surroundings or to the amenity of occupiers of nearby properties”.

It is very clear from representations received from adjacent residents over the course of the last 2 years that the existence of a kennels business at this property causes significant disturbance, and that this can apply at all times of day or night and continue for lengthy periods of time. Nothing in the application indicates effective measures to reduce noise in the future.

The current application indicates that the numbers of animals for which the proposed development is intended to cater is c.50, which represents a potentially significantly enhanced level of noise from buildings not considered in the Noise Survey previously commissioned. There is no acknowledgement at any point in the application that the proposed development is to be used for boarding kennel purposes (with its significantly higher probability of noise generation), despite the applicant having also applied for a boarding licence, and making it quite clear in statements locally that the facility is intended for this purpose.

Atlow Parish Council:
Object.

Hulland Ward Parish Council:
Raise no objections.

5.2 Local Highway Authority:
Having regard to the projected traffic movement information provided make the following comments:

The proposal is to replace an existing dog kennel structure and to erect a new, 6 pen kennel; both in association with the existing dog breeding business on site. Based on this information it’s unlikely this application will increase the traffic generation associated with the site by any significant level.

Whilst parking spaces are not formally marked out within the site, there are significant hardstanding areas available within the site for parking so it’s not envisaged these proposals will result in visitors having to park on the surrounding public highway.

Therefore, the Highway Authority has no objection to the application.

5.3 Environmental Health:
After reviewing this application and the submitted noise assessment report which suggests that noise breakout from the dog kennels exceeds background noise levels at the nearest noise sensitive receptor (therefore having the potential to cause a significant adverse impact on the residents) recommend conditions to secure the following:

- The sound insulation methods suggested by the noise consultant, for the 15 number replacement kennels and the 6 number isolation units, must be carried out
in order to reduce the impact of noise from dog barking on the nearest residents. However any further sound insulation added to the kennels should be constructed in such a way as to allow for adequate ventilation and regular air changes. This should be achieved whilst maintaining a necessary balance between adequate ventilation and the unnecessary removal of warm air. Ventilation is important to aid the control of disease, protect against odour accumulation and to prevent excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided. The above sound mitigation and ventilation methods should fall in line with the Chartered Institute of Environmental Health’s model conditions for dog boarding establishments. Details and specifications of the sound insulation methods to be used are to be submitted in writing to the Local Planning Authority for approval;

- The 15 number replacement kennels are to be used for the purpose of housing boarding dogs only and must not be used to house breeding stock;
- The new kennels designated for boarding purposes must not be used until the noise management plan has been submitted and agreed and the noise control measures are implemented to the satisfaction of the Local Planning Authority;
- The maximum number of boarding dogs on site must not exceed 15 at any one time;
- The applicant is to liaise with a noise consultant to discuss how the existing dog breeding kennels can be noise insulated, again allowing for adequate ventilation and air changes. Details and specifications of the proposed scheme of works must be submitted in writing to the Local Planning Authority for approval;
- The 6 number isolation units are to be used for the strict purpose of the isolation of sick dogs only and must not be used for the full time occupation of any dog at any time, in order to prevent and control the spread of disease among the dogs. On site records shall clearly document periods of use and associated reasoning plus follow-up actions. The said records shall be readily available to inspecting officers on request;
- The maximum number of breeding bitches on site must not exceed 20 at any one time;
- A site plan clearly showing where the breeding and boarding dogs are to be housed and the numbers of dogs to be housed within each building and each kennel shall be produced. The plan must also clearly mark out the isolation kennels and must be submitted to the Local Planning Authority for approval;
- A comprehensive noise management plan for both breeding and boarding dogs must be submitted in writing to the Local Planning Authority for approval. The noise management plan must include:
  - Details of any noise mitigation measures that are to be put in place to minimise dog barking on site for both breeding and boarding dogs, e.g. providing dogs with predictable routines, providing comfortable bedding, providing moderate stimulation including the provision of toys, regular exercise and human interaction. If ultra-sonic barking detectors or other such devices are to be used this must be with the consent of the owners of boarding dogs and it is recommended that a separate plan be drawn up to deal with boarding dogs without the need for this technology. A copy of this plan should be provided to the dog owners at the time of booking;
  - Details of the ratio of staff members to dogs;
  - Details of how household pets will be separated from breeding or boarding dogs;
  - Details of the exercise regime for both breeding and boarding dogs;
  - Details of how a suitable consistent level of management of the site is to be maintained;
  - Details of the arrangements to review the plan periodically and the arrangements to be put in place should problems arise;
• Clients shall not drop off or pick up dogs from the kennels before 8am or after 6pm.

The Principal Environmental Health Officer makes the following comment in respect of the NMP submitted by the applicant following deferral of the application at committee on the 17th January 2017:

• The NMP does cover the main points that were requested within the recommended noise conditions and meets the basic welfare requirements of the dogs. The plan does lack in detail in some areas e.g. there is little detail regarding the full intentions of the operator in respect of specifying timescales in which the noise attenuation works will be carried out, to the new and existing dog kennels, and it could further detail the hours/days worked by staff members and their specific duties.

• However, the NMP is a working document and if the arrangements therein prove to be inadequate then the operators are required to review the plan and amend accordingly.

6. REPRESENTATIONS

6.1 Nine representations, objecting to the proposed development including three from the occupants and relatives of Brick Kiln Farm and associated flat have been received. In addition, representations supporting the application from the occupants of Overbrook and Over House Farms have been forwarded on to the Local Planning Authority by the applicants’ agent.

In objecting to the proposed development the following concerns have been raised:

Impact on residential amenity

• Over the past four years we have been subjected to the noise of barking dogs from Four Lanes End, destroying the tranquillity of the countryside, and having a huge effect on the residential amenity of our property. My young children are often kept awake at night by the noise of the dogs. I am regularly woken up at any time during the night to the sound of the dogs. During the day we are frequently not able to enjoy being outside in our garden because of the noise, and despite many complaints still nothing has been done to solve the problem. If this planning application is allowed then the problem will continue to get worse.

• The development would not safeguard and improve the quality of life of people living in Derbyshire Dales or protect and enhance the environment of the Derbyshire Dales.

• CPRE supports development when it does not adversely affect the enjoyment and tranquillity of the countryside. The erection of more kennels will most definitely have an adverse effect on all those who seek to enjoy this tranquil, attractive area of Derbyshire.

• The barking noise control system (referred to in the Design and Access Statement) is not totally reliable so there must be formal noise limits set (reference is made to barking noise being heard 1km away).

• The development would be contrary to policy SF4 as there will be an adverse noise impact in the neighbourhood.
• We have visited Brick Kiln Farm on numerous occasions throughout the year and can confirm that the noise of barking dogs is becoming untenable.

• If planning permission is to be approved, the consequences to myself and other neighbouring residences will just be exacerbated by the already existing problems of excessive noise, from dog barking. It has had a tremendous effect on our quality of life making it almost unbearable and incredibly distracting at times, both inside and outside our home.

• The applicants are unable to control the continuous barking coming from the existing kennels, which has been going on for five years, causing tremendous disturbance and loss of amenity. A copy of a letter to the District Council written in 2013 concerning barking dogs is provided.

• I often travel this way to Carsington Water and I am disturbed by the noise of barking dogs. I have sometimes pulled over as it is quite distressing.

• This type of development needs to be situated well away from residential housing unless the barking can be controlled.

• Dogs bark sometimes all day, every day.

• We live approximately ¾ mile from the application site, yet we can still hear the dogs barking regularly.

*Impact on the character and appearance of the surrounding area*

• The rebuild is far larger than the previous unit.

• The development comprises overdevelopment of the site.

*Impact on highway safety*

• There will be an increase in traffic turning into and out of the site as a result of the boarding activity, close to a busy junction. An accident will inevitably occur.

• The retail offering from the development in a protected rural area on route to a major tourist and leisure site raises questions about vehicular movements and safety.

• The kennels are sited too close to a busy road (Dog Lane) and an even busier road junction.

*Other matters*

• The unit does not appear to be suitable for breeding dogs as it has been rebuilt as a boarding kennels unit.

• The occupants of Brick Kiln Farm are constantly bothered by deliveries and people turning up at their house trying to find the application site.

• I am surprised that this application has been registered with such porosity of supporting information and inaccurate documentation.
• Before the application is considered all the previous development on the site needs to be regularised.

• From the work that has been undertaken we believe that double the number of kennels is being proposed.

• It will only be a stepping stone for further development of the existing dog business.

• No one objects to Mr and Mrs Bowler wanting to make an honest living through breeding dogs; however, when that living disrupts the day to day lives if so many local residents it is totally unacceptable and therefore further development and expansion must be avoided on these grounds.

• Happy dogs do not bark constantly.

• Several concerns are raised with regard to misleading or inaccurate information contained within the application documentation. Concerns regarding the lack of information in relation to the existing and proposed number of dogs to be kept on site, the construction of the original and replacement kennels and noise attenuation properties, nature of the business, parking provision and traffic generation and disposal of dog waste have also been raised.

7. ISSUES

7.1 This application was deferred by members at planning committee on the 17th January 2017 as it was not considered that sufficient information had been submitted by the applicant for members to make an informed decision at that time. It was agreed that the Noise Management Plan (NMP) should be submitted for consideration by the Principal Environmental Health Officer prior to a decision being made. A NMP has now been received and considered by the Principal Environmental Health Officer. Their comments can be seen in the consultation section of this report.

7.2 Since consideration of the application at planning committee on the 17th January 2017 two further letters of complaint citing noise nuisance from the site have also been received.

7.2 The main issues to consider in respect of this particular application, having regard to the relevant provisions of the development plan, national guidance, comments from Hognaston Parish Council and the public are:

a) whether the use of the site for dog breeding and boarding purposes is acceptable having regard to its rural location;

b) the impact of the development on the local environment including the residential amenity of the occupants of nearby residential properties;

c) the impact of the replacement kennel building and isolation cubicle on the character and appearance of their surroundings, and;

d) whether there would be any highway safety implications.

7.3 One of the main concerns with the application as originally submitted was the lack of information in relation to the existing and proposed number of dogs to be kept on site and the lawfulness of the existing dog breeding operation. Whilst planning permission has not been previously sought for the use of the buildings / part of the site for dog breeding purposes, the scale and nature of the current and proposed operation is such that it cannot be construed as being incidental to the domestic enjoyment of the main dwellinghouse. The applicants have since clarified in their statement of existing and projected traffic movements that the proposed number of breeding dogs will reduce and that a new boarding dog business will operate from the site (which would accommodate a maximum
of 15 dogs). Licensing applications have been granted in the past for up to 30 breeding dogs to be kept at the site. The applicants reduced this number to 20 in their latest breeding dog license application which was granted and applied separately for a boarding license for up to 21 dogs (presumably on the basis that it was assumed that 6 dogs could be accommodated in the isolation cubicle) which is pending consideration.

7.4 Adopted Derbyshire Dales Local Plan Policy SF4 deals broadly with development in the countryside and is supportive of development that is appropriate in scale and nature to a rural area, preserves the character and appearance of the countryside and minimises any adverse impact on the local environment. Such provisions align with guidance contained within the National Planning Policy Framework (NPPF). Policy EDT13 deals with buildings associated with agriculture, forestry or other rural based enterprise. In the preamble to this policy it is recognised that businesses such as boarding kennels and equestrian centres are generally acceptable in the countryside. The policy requires the size of any new buildings to be commensurate with the needs of the rural based enterprise, to not have an adverse impact on the character and appearance of the immediate or wider landscape and to be well related to existing buildings associated with the activity with which they are required. Whilst the lawful status of the buildings which have been used for commercial dog breeding is unclear, policies within the local plan support the conversion and re-use of such buildings for industrial and business use.

7.5 Comments from the public point to the kennels being located in an unsuitable location, close to existing residential properties. Notwithstanding that the preamble to Policy EDT13 which states that boarding kennels will generally be acceptable in the countryside, it is recognised that in close proximity to residential dwellings, barking dogs can be a source of noise nuisance. Adopted and emerging Local Plan policies require that consideration be given to the appropriateness of the scale of any business or industrial activity and the impact of such development on the local environment. It is clear that noise from the current activity on the site has and continues to affect the residential amenity of the occupants of nearby residential dwellings and a noise abatement notice has been recently served on the applicants. The applicants have, however, commissioned a noise assessment which concludes with some noise attenuation measures built into the recently constructed kennels and isolation cubicle noise outbreak from these buildings can be reduced to an acceptable level so as to not result in any significant nuisance to nearby residents. The District Councils Principal Environmental Health Officer considers this assessment to be sound and with conditions which control the number of dogs and where they are accommodated, measures to insulate the existing and recently constructed kennels to reduce noise outbreak and the agreement and management of a NMP conclude that noise can be reduced to a level that would not result in nuisance to neighbouring residents.

7.6 Following deferral of the application at committee in January, the applicant has prepared a NMP. Having considered the contents of this NMP the Principal Environmental Health Officer is satisfied that it covers the main points of their previously recommended condition and meets the basic welfare requirements of the dogs. With regard to suitability of the replacement kennels to accommodate boarding dogs the applicant advises that they have already been seen, measured, and approved by the relevant Environmental Health Officers for licensing purposes and that no modifications are required. The NMP has been uploaded onto the District Councils website for members of the public to see and the various Parish Councils have been made aware of the plan in writing. The NMP advises that the following number of dogs will be accommodated on site: 15, boarding dogs, 20 breeding bitches and a maximum of 10 young breeding replacement stock and 5 stud dogs and sets out measures to separate boarding and breeding dogs, exercise regimes for both breeding and boarding dogs, site management (including disposal of waste), arrangements for reviewing the plan and the arrangements that will be put in place should problems arise. Whilst that the plan lacks detail in some areas, the Principal Environmental Health Officer recognises that it is a working document and if the arrangements contained
within prove to be inadequate, the applicant / operators of the site will be required to review the plan and work with the District Councils Environmental Health department to resolve any problems. With conditions to secure appropriate noise mitigation measures in relation to the construction of the existing and kennels it is considered that noise from the site can be appropriately controlled so as to not result in a nuisance to nearby residents.

7.7 The applicants advise that dogs have been bred on the site for some time and that a certificate of lawfulness could be sought on this basis. Twenty breeding, fifteen boarding, ten replacement stock and five stud dogs would represent an increase in the number of dogs that previous licensing applications would have allowed. However, subject to adherence to the NMP and conditions to secure appropriate noise attenuation measures and restrictions on dog numbers it is considered that the development would not result in unacceptable noise levels, which cannot be said of the current operation.

7.8 The siting, scale and appearance of the new buildings is such that they do not have an adverse impact on the character and appearance of their surroundings / this part of the countryside. They are well related to the main dwellinghouse and well contained / screened by existing landscape features, including a dense roadside hedge. The Local Highway Authority have advised that the level of traffic associated with the proposed use of the site would not raise any highway safety concerns and that there are sufficient areas of hardstanding for the anticipated number of visitor vehicles to be parked clear of the public highway.

7.9 Having regard to the nature of the proposed use and the number of dogs that will be accommodated on site and the associated impact on the local environment and the local highway network, it is considered that the proposed development, subject to conditions would satisfy the relevant provisions of the development plan and national guidance and a recommendation of approval is put forward on this basis.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. ST02a – Time Limit on Full.

2. Within 3 months of the date of this decision, noise insulation measures shall be introduced to the existing kennels to remain in use for commercial breeding purposes in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

3. The sound insulation recommendations set out in the Noise Impact Assessment by Peak Acoustics dated 20th July 2016 in relation to the replacement kennel (to house boarding dogs) and isolation buildings set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be carried out in full within 3 months of the date of this decision unless otherwise agreed in writing by the Local Planning Authority and retained thereafter in perpetuity.

4. Within 3 months of the date of this decision, details of how all kennels on the site will be ventilated following the introduction of the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority. The ventilation shall thereafter be installed in accordance with the approved details.

5. The 15 number replacement kennels set out in the 1:500 Scale Proposed Block Plan dated 5th October 2016 shall be used to house boarding dogs only and shall not at any time be used to house breeding stock.
6. The maximum number of dogs on site shall not exceed the numbers set out in the Noise Management Plan received by the District Council on the 13th February at any one time.

7. The 6 number isolation units are to be used for the strict purpose of the isolation of sick dogs only and must not be used for the full time occupation of any dog at any time, in order to prevent and control the spread of disease among the dogs. On site records shall clearly document periods of use and associated reasoning plus follow-up actions. The said records shall be readily available to inspecting officers on request.

8. The dog breeding and boarding business hereby approved shall operate throughout the lifetime of the development in strict accordance with the Noise Management Plan received by the District Council on the 13th February 2017 unless otherwise agreed in writing by the Local Planning Authority.

9. Customers shall not drop off or pick up dogs from the kennels before 8am or after 6pm.

Reasons:

1. ST02a.

2-7. For the avoidance of doubt and in the interests of safeguarding 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).

8-9. In the interests of safeguarding 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).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which has addressed concerns with regard to the scale and nature of the proposed business operation.

2. The applicant is advised that any sound insulation added to the kennels should be constructed in such a way as to allow for adequate ventilation and regular air changes. This should be achieved whilst maintaining a necessary balance between adequate ventilation and the unnecessary removal of warm air. Ventilation is important to aid the control of disease, protect against odour accumulation and to prevent excessive humidity of the atmosphere. High humidity increases the risk of kennel cough and should be avoided. The above sound mitigation and ventilation methods should fall in line with the Chartered Institute of Environmental Health’s model conditions for dog boarding establishments.

3. The applicant is advised to liaise with a noise consultant to discuss how the existing dog breeding kennels can be noise insulated whilst allowing for adequate ventilation and air changes.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:100 Scale Replacement Kennel and Isolation Building Elevations and Floor Layout Plan numbered SW16/20, and;
Document Titled Design and Access Statement received by the District Council on the 25th May 2016;
Noise Impact Assessment by Peak Acoustics dated 20th July 2016 received by the District Council on the 29th September 2016;
Amended 1:500 Scale Block Plan, and;
Statement of Existing and Projected Traffic Movements received by the District Council on the 17th November 2016, and;
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>17/00030/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of dwelling</td>
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<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>PARISH/TOWN</td>
<td>Kirk Ireton</td>
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<tr>
<td>APPLICANT</td>
<td>Mr and Mrs Patel</td>
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<tr>
<td>AGENT</td>
<td>None</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr R Bright</td>
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<tr>
<td>DETERMINATION TARGET</td>
<td>20.03.17</td>
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<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to extent of public objection and previous committee determination.</td>
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<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Members have previously visited the site.</td>
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<tr>
<td>MATERIAL PLANNING ISSUES</td>
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<td>Principle of development</td>
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<td>Character and appearance of the Conservation Area</td>
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<td>Residential amenity</td>
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<td>RECOMMENDATION</td>
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<td>Refusal</td>
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17/00030/FUL

The Old Cottage, Main Street, Kirk Ireton

Derbyshire Dales DC

Date: 02/03/2017

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NH.
Telephone: (01629) 731100.
Website: www.derbyshiredales.gov.uk
1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to garden land associated with the existing dwelling known as ‘The Old Cottage’. The site is reasonably level with a variety of boundary treatments. To the east of the dwelling is an existing stone outbuilding. Access is proposed to the east of the existing dwelling following the demolition of the outbuilding. The site is within a residential area in the centre of the village. Residential properties are located in close proximity to the main garden area to the east and south of the site. The site is located within the Kirk Ireton Conservation Area.

2. **DETAILS OF THE APPLICATION**

2.1 Planning permission is sought to erect a detached bungalow within the eastern area of the rear garden to The Old Cottage. The site would be accessed via a driveway to the east of the existing dwelling which would also serve a recently approved dwelling to the west of the rear garden area. The bungalow is to be set at an angle within the site and would have a blank elevation to the south. Bathroom windows will be to the eastern elevation leaving scope for obscure glazing to the windows on this elevation which is in close proximity to the no’s 6 and 7 Ireton Court.

2.2 The proposed dwelling is to be constructed of natural stone with tiles to the roof and casement type windows. The property would have a shallow pitch to the roof to minimise its height with an eaves height of 2.1m and ridge height of 4.4m at the highest point. Parking is proposed to be to the frontage of the dwelling close to the southern boundary.

2.3 The applicant has submitted a detailed design and access statement in support of the application.
3. 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 Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   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

2. Kirk Ireton Conservation Area Appraisal
   National Planning Policy Framework
   National Planning Practice Guidance
   Deposit Draft Local Plan:
      o Policy S3: Settlement Hierarchy
        • Kirk Ireton is a Fourth Tier settlement

4. RELEVANT PLANNING HISTORY:

   16/00307/FUL Erection of dwelling – Refused – Appeal allowed (Appeal B)

   15/00842/FUL Erection of two dwellings – Refused – Appeal dismissed (Appeal A)

5. CONSULTATION RESPONSES

   Parish / Town Council

   5.1 The previous Inspector’s decision relating to this site is considered relevant to this case.
   The views of the DDCDC Conservation Officer should be supported. This application dilutes
   the uniqueness of the Kirk Ireton Conservation Area. The access has poor visibility and
   would increase traffic onto a minor road. The footprint of the building will overlap the root
   system of the existing established trees. The PC request a committee decision and objects
   to this application.

   Derbyshire County Council (Highways)

   5.3 No comments received

   Derbyshire County Council (Flood Team)

   5.5 No comments to make, refer to standing advice.

   Conservation Advisory Forum

   5.6 • The Forum considered that their comments made in January 2016 remain valid and
         pertinent to this site.
   • The Forum noted that the Planning Inspectorate had allowed the erection of a single,
     two-storey, dwelling on the western side of the rear garden to the property. The Forum
     considered this to be a regrettable decision.
   • With regard to the current application this proposes a one-storey dwelling on the
     eastern part of the rear garden. The Forum, again, re-iterated their previous comments
     on the sensitivity of these rear gardens behind the main street and their potential
     dilution of character and appearance in the Conservation Area.
   • The Forum considered that whilst the one-storey dwelling may address the Planning
     Inspectorate’s concerns over amenity etc. the proposed design of the dwelling was
     deemed to be a standard sub-urban bungalow type which would have no relationship or
     contextual association with the buildings to the street frontage and would, detrimentally,
     erode and dilute the character and appearance of this part of the Conservation Area.
The Forum were of the opinion that if the principle of a second dwelling in this rear garden is deemed acceptable by the LPA then a one-storey building which is designed - site-specific - with an ancillary and recessive nature, form and character should be explored.

Design and Conservation Officer (Derbyshire Dales)

5.8 Whilst the Planning Inspectorate has allowed the construction of a new dwelling on the western part of the rear garden, it is still held that the concept of back land development, especially to historic gardens or crofts which lay behind the built-up street frontage are valuable elements of open space within the Conservation Area and can contribute significantly to its special character and appearance. In this important regard the concept of development of these spaces with buildings of a domestic height, form, scale and appearance irreversibly removes the historic survival of the open land beyond the built-up street frontage and creates a 'stacked’ or layered development of houses behind houses. Whilst there is some late 20th century development within the village, such as Buxton Close and Ireton Court, these differ in that these earlier developments historically benefitted from an established formal access to the land on which they are built.

In the designation (and 2015 review) of the Kirk Ireton Conservation Area the surviving character and contribution that open land to the rear of street-frontage properties bring to its special interest and value was rightly recognised.

In conclusion, it is considered that the principle of the concept of a (second) residential property to the rear of The Old Cottage (all be it one-storey in height), will neither preserve nor enhance the Conservation Area nor will it fulfil the desirability of new development making a positive contribution to local character and distinctiveness. Potential impacts on the setting of Prospect Cottage (grade II), to the east/south-east of the site, will also need careful consideration/assessment.

6. REPRESENTATIONS RECEIVED

6.1 A total of 5 representations have been received including those of the Neighbourhood Plan Steering group. A summary of the representations is outlined below:

Amenity:

- The ridge height should be kept to a minimum to minimise impact.
- No subsequent revisions should be allowed to make the property a two storey dwelling.
- The dwelling would be too close to neighbouring properties.
- The wider drive allows more traffic and noise pollution to impact on neighbours.
- The proposal will cause significant harm to residential amenity through loss of parking, green space, privacy, the right to enjoy a quiet and safe environment, noise and light pollution.
- The building should be lower to minimise impact.
- The development would be cramming of development.
- Bins should be relocated to the west or south elevation of the bungalow.
- The private garden area of the proposed garden would be overlooked by existing development leading to inappropriate amenity impacts through noise and light pollution.
- Refer to Human Rights Act in terms of amenity impacts.
- No street lighting should be allowed and lighting on the bungalow should be timed.
- The blank elevations should remain blank in the future.
- The height of the fence to no. 7 was high at the request of the applicant; please consider it at the height we wanted which is the same as no. 6, as the fence removes our light.
- Any permission should ensure obscure glazing to the rear and to the roof lights.
- There is nothing to protect the privacy of those on Ireton Court.
Existing tree screening is used to justify the proximity; due to proximity issues there will be pressure to fell the tree which will increase the impact of the development.

Tree information submitted regarding the tree is insufficient to accurately assess the impact the development will have upon the tree.

Tree protection works are not adequately detailed in the application.

Without the tree the neighbouring resident would be faced with a solid wall which would be imposing and harming to their outlook.

If permission is granted then all permitted development rights should be removed to ensure any future alterations are fully considered.

Character and Appearance:

- The proposal does not respect local context, street pattern or the scale and proportions of the surrounding buildings to the detriment of the local environment.
- The development would interfere with the morphological pattern and visual evolution of the village.
- Timber windows and doors should be used.

Policy issues:

- The proposal contravenes adopted plan policies.
- There will be further pressure on the school.
- Any remaining land should have a legal covenant to ensure no further building.

Ecology:

- This will result in the loss of an ancient tree.
- The site is a haven for wildlife.

Highways:

- The proposal will reduce on street parking.

Kirk Ireton Neighbourhood Plan Steering Group:

Consider the proposal should be assessed against the following:

1. The guidance within the Kirk Ireton Conservation Character Appraisal which states that planning permission for development proposals within or directly adjacent to a Conservation Area will be granted provided that they preserve or enhance the character of the area. The previous application did not enhance the conservation area, this proposal is no better.

2. The assessment principles within the guidelines for landscape and visual impact assessment including the consideration of people who will be affected by changes in views or visual amenity and an assessment of the character of the landscape surroundings.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance of the Conservation Area
- Residential amenity

**Principle**

7.1 In previous appeal decisions relating to this site the Inspector considered issues of sustainability, character and appearance of the Conservation Area, highway safety and
impacts upon residential amenity. The Inspector concluded that subject to ensuring that the impacts upon the amenity of neighbouring residents (particularly Greenways to the south of the site) would not be adversely affected by development, the erection of a dwelling on this site is acceptable in principle. However, it is important that the current planning policy situation is set out in order to fully consider the proposed development whilst bearing in mind the previous Inspector’s decision.

7.2 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. Therefore decision making should be taken in accordance with paragraph 14 of the NPPF which becomes the relevant paragraph for consideration of this development.

7.3 Paragraph 14 states that –

For decision taking this means:
Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

− Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or
− Specific policies in this framework indicate development should be restricted.

   o Footnote 9 to this latter part of paragraph 14, identifies policies relating to heritage assets as being an instance where there is not a presumption in favour.

7.4 In this case there is a heritage issue to be assessed under footnote 9 with regard to the impact the development of this site will have upon the character and appearance of the Kirk Ireton Conservation Area and the setting of an adjacent listed building. Where footnote 9 is triggered there is no presumption in favour of development. In such a circumstance it is appropriate to weigh all the issues including heritage and come to a balanced decision based on sustainability.

7.5 It is acknowledged that in order to meet the housing need some development is likely in the smaller villages where such development can assist in the continued provision of local services and facilities. Kirk Ireton is a fourth tier settlement with minimal facilities. It is envisaged in the Deposit Draft Local Plan that development in such villages will be limited to that needed to maintain existing services and facilities and to meet the housing needs of the settlement, as such there is limited scope for development in fourth tier settlements. This site in the centre of the village is considered to be an appropriate location for growth through infilling and consolidation of the settlement and therefore this is an area where residential development can be accepted in principle.

Impact upon Character and Appearance of the Conservation Area

7.6 Two applications relating to the development of this rear garden for housing were the subject of a joint appeal in late 2016. The Inspector considering those appeals dismissed the application for two dwellings on the basis of the impact upon residential amenity only and allowed the appeal for one dwelling. However, given that this is a different scheme with differing impacts it is important to consider this proposed scheme in terms of the impact upon heritage assets. When considering development which impacts upon heritage assets, paragraphs 132 to 134 of the NPPF should be considered.

7.7 Paragraph 132 of the NPPF requires that:
When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The
more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

7.8 Paragraph 134 of the NPPF requires that:
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.9 With regard to the impact upon the character and appearance of the Conservation Area the Inspector on the previous schemes considered that:

The Old Cottage is one of the older properties along the Main Street and its large curtilage to the rear along with the large curtilage to an adjacent residential property forms a large area of open space in the village. To the rear the plot is adjacent to more modern housing on Peats Close. As a consequence of previous development in the village these rear curtilage areas form one of the last remaining large open spaces associated with the historic development along Main Street. The proposals would lead to the loss of this expanse of open space.

However, the space feels somewhat detached from Main Street and the historic frontage properties. It is not at all prominent from the public realm and therefore its visual contribution to the appearance of the Conservation Area is limited. The dwellings the subject of Appeal A would be located towards the rear of the site with good separation from The Old Cottage, properties fronting onto Main Street and others in the vicinity of the site. Generous open spaces would be retained adjacent to both properties in the form of the proposed curtilage areas and the remaining open spaces to the rear of existing residential properties.

It is acknowledged that the site the subject of these appeals has remained development free and that the proposals would alter the character and function of the area of open space which has been historically associated with residential properties along Main Street.

Although the space lies close to a range of properties, including the historic cottages and houses along Main Street, modern mews development on Ireton Close and less attractive residential properties along Peats Close, it is largely screened from Main Street by existing buildings and structures. As such, it is difficult to conclude that the proposal would be viewed as visually intrusive layering of housing in a cramped form incongruous in its local and historic context. The overall design and materiality of the proposals are suitable in this part of the Conservation Area.

The conclusion is that both forms of development would preserve the overall character and appearance of the Kirk Ireton Conservation Area and would not prejudice the setting of important buildings within the Conservation Area to the detriment of overall character and appearance. They would therefore comply with the requirements of Policy NBE21 of the LP and the Framework.

7.10 The council previously refused planning permission on the basis that the development of the site would lead to less than substantial harm to the character and appearance of the Conservation Area without public benefit, through the visual layering of housing and the infilling of a green space within the core of the village. In the recent appeal cases, the
Inspector considered this issue and concluded that this site could be developed without causing harm to the character and appearance of the Conservation Area.

7.11 This proposal is for a modest bungalow of limited height which has been specifically designed to take account of the important site constraint of seeking to minimise the impact upon residential amenity. This has resulted in a bungalow of a simple form but with wide gables and low roof pitch. As such the proposal is unconvincing as a piece of architecture within this historic core and would result in an incongruous form of development in this sensitive location.

7.12 Moreover the relationship between the dwelling as allowed by the Inspector and this proposed bungalow has to be considered. The siting of the bungalow at an angle on the site and of an unconvincing design sits as a separate entity to the proposed dwelling with no design cohesion between the two. This would result in a poor quality of development that does not respect the prevailing pattern of development within the locality.

7.13 As such it is considered that in accordance with paragraphs 132 to 134 of the NPPF as noted above, this proposed development will lead to less than substantial harm that is not justified by any public benefit. Given the modest scale of the bungalow the harm identified is on the lesser side of less than substantial harm and therefore whilst there is harm identified it considered that this is a finely balanced issue. However, on the basis of the requirements of national policy it is considered that the proposal should be determined on the basis of the identified harm to a heritage asset (The Kirk Ireton Conservation Area), despite the harm being limited in this case.

Impact on Setting of Listed Building

7.14 There is a grade II listed building to the south east of the application site known as Prospect Cottage. Development near to listed buildings can have an impact upon setting beyond the immediate curtilage of the listed building. In this case the listed building, Prospect Cottage, is a distance away from the site and there is intervening development between the application site and the listed building which has already eroded the open character that would have been between the listed building and The Old Cottage. There is also existing planting forming a screen between the two, however this planting could be lost and therefore minimal weight can be given to this. It is considered that the proposed development will have minimal impact upon the setting of this listed building and therefore there is no perceivable harm in this regard. In the recent appeal cases the Inspector agreed with this conclusion. In terms of footnote 9 it is not considered that the heritage issue in terms of the setting of the adjacent listed building would indicate that planning permission should be refused.

Residential Amenity

7.15 In regard to amenity impacts the Inspector in the recent appeal cases considered that:

With respect to Appeal A (two dwellings) only there is concern arising from the proximity of the proposed dwelling Plot B to an existing residential property known as ‘Greenway’, which is situated to the rear of the appeal site. I observed at my site visit that Greenway appears to have windows serving habitable rooms in its elevation which faces directly towards Plot B at a distance of less than 10 metres.

The appellant contends that the proposal meets the requirements of the standards of sunlight and daylight published by the Building Research Establishment (BRE). I observed on site that relatively dense hedging and shrubs exist along the boundary between Greenway and the appeal site which do restrict daylight levels to the existing property.
Nonetheless, Plot B would be a mostly solid structure with a gable end very close to the site boundary. The nature of the effect of such a solid structure would be very different to the effect of existing vegetation on the outlook of adjoining occupants. Although the evidence before me indicates that the proposal meets BRE guidance in terms of sunlight and daylight standards, it would be a dominant, intrusive and overbearing feature which would be harmful to the outlook of the occupants of the adjacent property.

The Council considers that the development may also be prejudicial to the existing landscaping along the boundary. Although I have no evidence that this would be the case, given the proximity of the buildings to the boundary there is some risk that the screening could be harmed, exacerbating the effect of the solid structure on the outlook of the occupants of Greenway.

The proposal the subject of Appeal A would be harmful to the living conditions of the occupants of the adjacent property, Greenway, with particular reference to outlook. This would be contrary to the amenity requirements of Policies SF5 and H9 of the LP which remain broadly consistent with the approach to development as set out in the Framework.

7.16 In this case concern has been raised by local residents and the Parish Council that the proposal will harm the amenity of neighbouring residents in terms of overlooking, loss of light and loss of privacy which would be exacerbated should the conifer tree be removed which is in close proximity to the proposed dwelling. The proposed dwelling is single storey with a maximum ridge height of 4.4m at its highest point. The dwelling has been designed so as to have no windows facing towards ‘Greenway’ and to have windows that can be obscure glazed to the east adjacent to no’s 6 and 7 Ireton Court. Whilst the proposal will bring an amount of comings and goings and garden activity in close proximity to the neighbouring properties it is not considered that these activities within existing garden land would be so significant that refusal of the application would be warranted.

7.17 It is considered that if permission were to be granted for this development conditions should be imposed to ensure the windows on the eastern elevation remain obscure glazed in perpetuity and that all permitted development rights are removed to ensure the Local Planning Authority retains control over any future alterations or additions to the building including the insertion of windows. Subject to these stipulations it is considered that the erection of a single storey dwelling in this location would not adversely affect amenity such that refusal would be warranted on these grounds. The concerns of the neighbouring resident in terms of the removal of the tree are noted. However, as this is not a protected tree nor of any particular amenity value, the loss of this tree should not stymie the development of this site. The amenity impacts of the development have been assessed on the basis that the tree may be lost. Should permission be granted a condition would be required that would ensure the protection of existing vegetation during construction.

Highway Safety

7.18 Concern has been raised by local residents and the Parish Council that the proposal will adversely affect highway safety and result in a loss of parking. The Local Highway Authority considered the previous proposals on this site and considered the access visibility to be acceptable. The potential loss of on street parking and increased demand for this is not a concern in terms of highway safety. The proposal is considered acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan.

Conclusion

7.19 The Inspector in considering the previous appeal decisions did not raise concerns with the development of the site or the design of the units but had concern regarding the issue of residential amenity. However, that was based on a different scheme with differing impacts.
and therefore the Local Planning Authority has a duty to consider each application on its own merits.

7.20 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission 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.

7.21 The location of the site in the centre of the village of Kirk Ireton is considered to be acceptable in terms of being a sustainable location where development would underpin local services and facilities. However, whilst Kirk Ireton is an acceptable settlement for some limited development this does not mean that any development here is acceptable. The NPPF seeks to approve sustainable development. There are three roles of sustainability to be met in order for development to be considered sustainable and therefore acceptable.

7.22 In this case these roles are assessed as follows:

In this case the **social** role of sustainability would be met in a minor way through the provision of housing to meet future needs.

The **economic** role of sustainability would be met through the construction process and through the additional residential spend following occupation.

The **environmental** role of sustainability would not be met as the proposed development in terms of its design, siting and relationship with the proposed dwelling to the west would be an incongruous form of development contrary to the prevailing character of the area and harmful to the character and appearance of the Kirk Ireton Conservation Area. Paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Moreover paragraph 134 advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case there is no identified public benefit arising from the scheme which would weigh against this identified less than substantial harm.

7.23 Therefore, when considering matters in the round, the less than substantial harm to the character and appearance of Kirk Ireton Conservation Area identified without counterbalancing public benefits means that the development is contrary to guidance within the NPPF and policies within the Adopted Local Plan and as such planning permission should be refused.

8. **RECOMMENDATION**

To refuse planning permission for the following reason:

The design, form and siting of the bungalow and its relationship with the dwelling approved to the west of the site would result in a form of development that is contrary to the prevailing character of this part of the village and harmful to the character and appearance of the Conservation Area. This harm is considered to be less than substantial harm which is not outweighed by any substantial public benefit. As such the proposal is contrary to paragraphs 17, 58, 60, 61 and 134 of the National Planning Policy Framework and policies SF5, H9 and NBE21 of the Adopted Derbyshire Dales Local Plan.
NOTES TO APPLICANT:

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 planning problems and permission was granted without negotiation.

2. This decision notice relates to the following documents:
   - Site location plan 01-001 Rev 001 received 23.01.17
   - Proposed block plan 01-002 Rev 001 received 23.01.17
   - Proposed site section A-A 01-302 Rev 001 received 23.01.17
   - Proposed site section B-B 01-303 Rev 001 received 23.01.17
   - Roof plan 01-101 Rev 001 received 23.01.16
   - Proposed elevations 01-301 Rev 001 received 23.01.17
   - Planning Statement received 23.01.17
   - Design and Heritage Statement received 23.01.17
## 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 | Pending Consideration |
| ENF/13/00095 | Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE | Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE | Pending Consideration |
| ENF/14/00071 | Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building. | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/15/00014 | Unauthorised alterations to listed building. Installation of photovoltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN | Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN | Notice Issued |
| ENF/15/00035 | Unauthorised signage and paintwork | Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP | Pending Consideration |
| ENF/15/00072 | Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage | Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ | Notice Issued |
| ENF/15/00085 | Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting. | Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP | Pending Consideration |
| 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 | Pending Consideration |
| 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 | Pending Consideration |

## Ashbourne South

<p>| ENF/14/00070 | Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF | 25 Dig Street Ashbourne Derbyshire DE6 1GF | Pending Consideration |
| 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 | Pending Consideration |</p>
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00103</td>
<td>Alleged replacing of timber windows for plastic, within a conservation area.</td>
</tr>
<tr>
<td>The White Hart Public House 8 - 10 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00008</td>
<td>Unauthorised development - Breach of conditions relating to planning permission 09/00207/REM. Erection of 5 two storey dwellings and associated car parking (approval of reserved matters), Olivers Mount Works, South St, Ashbourne.</td>
</tr>
<tr>
<td>39 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Pending Consideration</td>
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### Brailsford

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/15/00021</td>
<td>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.</td>
</tr>
<tr>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00087</td>
<td>Failure to provide pre commencement details as per conditions 2 and 6 of planning permission 16/00400/PDA - Change of use of agricultural building to dwelling house.</td>
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<tr>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00106</td>
<td>Unauthorised change of use of agricultural land to use for the storage of a shipping container on land known as &quot;Rick Yard Orchard&quot;, Church Lane, Brailsford.</td>
</tr>
<tr>
<td>Rick Yard Orchard Church Lane Brailsford Derbyshire</td>
<td>Notice Issued</td>
</tr>
<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>
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<tr>
<td>Burton Shutts Farm Cuscas Lane Brailsford Derbyshire DE6 3BG</td>
<td>Pending Consideration</td>
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### Carsington Water

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<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>
</tr>
<tr>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
</tr>
<tr>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>ENF/16/00073</td>
<td>Unauthorised change of use and conversion of outbuildings on land at Rock Cottage, Brassington, Matlock, Derbyshire, DE4 4HA</td>
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<tr>
<td>Rock Cottage Hillside Lane Brassington Derbyshire DE4 4HA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/17/00010</td>
<td>Unauthorised building/demolition works</td>
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<tr>
<td>Palm Tree Cottage Hillside Lane Brassington Derbyshire DE4 4HL</td>
<td>DC Application Submitted</td>
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### Clifton And Bradley

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<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
</tr>
<tr>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
ENF/17/00012  Unauthorised engineering works to facilitate an access and roadway across an agricultural field, in addition to an approved access and driveway, and a breach of condition 8 relating to planning permission 16/00662/FUL - Creation of new driveway.

Westwood Clifton Road Clifton Derbyshire DE6 2DH  Pending Consideration

ENF/17/00013  Unauthorised change of use of land from agricultural to domestic curtilage, and engineering works to create new access drive/parking area to dwelling.

Laurel Cottage Clifton Road Clifton Derbyshire DE6 2DH  Pending Consideration

## Darley Dale

**ENF/12/00034**  Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.

Stancliffe Quarry, Darley Dale, Matlock.  Notice Issued

**ENF/13/00022**  Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.

Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP  Pending Consideration

**ENF/15/00034**  Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.

Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.  Notice Issued

**ENF/16/00055**  Unauthorised engineering works to facilitate caravan hardstanding pitches.

Tax Farm Farley Lane Farley Derbyshire DE4 5LQ  Pending Consideration

**ENF/16/00071**  Unauthorised engineering operations.

The Beeches Hallmoor Road Darley Dale Derbyshire DE4 2HF  Pending Consideration

**ENF/17/00016**  Breach of pre commencement conditions on planning permission 15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building.

Former Bent Farm Farley Hill Matlock Derbyshire DE4 5LT  Pending Consideration

## Dovedale And Parwich

**ENF/15/00065**  Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.

Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB  Pending Consideration

**ENF/15/00092**  The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.

Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB  Pending Consideration

## Doveridge And Sudbury

**ENF/15/0001**  Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.

Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD  Pending Consideration

**ENF/15/00039**  Unauthorised change of use of agricultural outbuildings to office/business use.

Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL  Pending Consideration
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<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>Pending Consideration</td>
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<tr>
<td><strong>Hulland</strong></td>
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<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
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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><strong>Masson</strong></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>
<td>Notice Issued</td>
</tr>
<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>
<td>Notice Issued</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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<tr>
<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>Notice Issued</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/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<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>
<td>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
<td>Details</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>---------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00066</td>
<td>Alledged unauthorised building works to rear of property. - 138-142 North Parade, Matlock Bath, Derbyshire, DE4 3NS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00076</td>
<td>Unauthorised &quot;mini fish, chips &amp; peas&quot; banner on railings. Halls Merry Go Round 200 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00078</td>
<td>Works to clad a bus stop in stone. Bus Stop Near To The Fountain. Bonsall.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00090</td>
<td>Erection of a shed, decking and fence. 2 Primrose Cottages St Johns Road Matlock Bath Derbyshire DE4 3PQ</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00097</td>
<td>Unauthorised engineering operations and the creation of concrete retaining wall. UK Slipform Ltd Dunsley Mill Via Gellia Road Bonsall Derbyshire DE4 2AJ</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/16/00107</td>
<td>Unauthorised erection of &quot;carving&quot; building. 1 Black Rock Cottages Bakers Lane Cromford Derbyshire DE4 3QW</td>
<td></td>
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</tbody>
</table>

### Matlock All Saints

<table>
<thead>
<tr>
<th>Reference</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness 5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
</tr>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL 10 Imperial Road Matlock Derbyshire DE4 3NL</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations. 38 Megdale Matlock Derbyshire DE4 3JW</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code) 13/00005/FUL. 19 Dale Road Matlock Derbyshire DE4 3LT</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business. 2 Bentley Close Matlock Derbyshire DE4 3GF</td>
</tr>
<tr>
<td>ENF/16/00101</td>
<td>Unauthorised erection of sheds, chicken enclosures and a &quot;shepherds hut&quot;. High Croft Salters Lane Matlock Derbyshire DE4 2PA</td>
</tr>
<tr>
<td>ENF/17/00006</td>
<td>Unauthorised erection satellite dish. 12 Snitterton Road Matlock Derbyshire DE4 3LZ</td>
</tr>
<tr>
<td>ENF/17/00011</td>
<td>Erection of retaining wall at the bottom of the garden adjacent to a footpath. 64 Wellington Street Matlock Derbyshire DE4 3GS</td>
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</table>

### Matlock St Giles

<table>
<thead>
<tr>
<th>Reference</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
</tr>
</tbody>
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Notice Issued
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</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>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
</tr>
<tr>
<td>ENF/16/00053</td>
<td>Unauthorised access off Riber Road.</td>
</tr>
<tr>
<td>ENF/16/00056</td>
<td>Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.</td>
</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>
</tr>
<tr>
<td>ENF/16/00089</td>
<td>Breaches of Planning Control</td>
</tr>
<tr>
<td>ENF/16/00102</td>
<td>Unauthorised excavation of front garden and tipping of excavated material in the rear garden.</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>
</tr>
<tr>
<td>ENF/17/00020</td>
<td>Unauthorised use of land for the storage and stationing of caravans.</td>
</tr>
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</table>

**Norbury**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<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>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/11/00091</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
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Notice Issued

Pending Consideration
<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<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>
</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>
</tr>
<tr>
<td><strong>Wirksworth</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtiage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00079</td>
<td>Erection of timber fence over 1 metre in height adjacent a highway.</td>
<td>20 Willowbath Lane Wirksworth Derbyshire DE4 4AY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00080</td>
<td>Engineering operations in a field to create a pond.</td>
<td>2 Little Bolehill Bolehill Derbyshire DE4 4GR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00001</td>
<td>Unauthorised occupation of The Chalet</td>
<td>The Chalet Millers Green Wirksworth Derbyshire DE4 4BL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00002</td>
<td>Unauthorised engineering operations to create a raised area</td>
<td>11 New Road Bolehill Derbyshire DE4 4GL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/17/00018</td>
<td>Unauthorised works to remove a fire surround in a Grade II Listed Building.</td>
<td>Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
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**Total Open Cases:** 90
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Address</th>
<th>Status</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Ashbourne South</td>
<td>Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire</td>
<td>4 Bower Close Ashbourne Derbyshire DE6 1TA</td>
<td>Complied Voluntarily</td>
<td>29/09/2016</td>
</tr>
<tr>
<td>Brailsford</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Appeal Allowed</td>
<td>21/12/2016</td>
</tr>
<tr>
<td></td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Complaint Unfounded</td>
<td>02/02/2017</td>
</tr>
<tr>
<td>Carsington Water</td>
<td>Alleged unauthorised timber building to front of property known as Dragons End, Town Street, Brassington</td>
<td>Dragons End Town Street Brassington Derbyshire DE4 4HB</td>
<td>Complied Voluntarily</td>
<td>11/10/2016</td>
</tr>
<tr>
<td></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>
<td>11/01/2017</td>
</tr>
<tr>
<td>Clifton And Bradley</td>
<td>Alleged unauthorised building works on Mill Lane at Shirley.</td>
<td>Thatch Lodge Mill Lane Shirley Derbyshire DE6 3AR</td>
<td>Complaint Unfounded</td>
<td>27/09/2016</td>
</tr>
<tr>
<td></td>
<td>Unauthorised change of use of land from Agricultural to domestic curtilage, to the rear of property known as 2 Yew Tree Lane, Bradley.</td>
<td>2 Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td></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>
<td>02/02/2017</td>
</tr>
<tr>
<td></td>
<td>Breach of condition relating to site storage and off road parking.</td>
<td>Rose Cottage Snapes Lane Snelston Derbyshire DE6 2DL</td>
<td>Complied Voluntarily</td>
<td>18/11/2016</td>
</tr>
<tr>
<td>Darley Dale</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Location</td>
<td>Status</td>
<td>Date</td>
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<tr>
<td>-----------</td>
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<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Planning Application Received</td>
<td>14/11/2016</td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Complied Voluntarily</td>
<td>20/12/2016</td>
</tr>
<tr>
<td>ENF/16/00069</td>
<td>Unauthorised erection of wooden carport structure</td>
<td>Slayleigh 1 Rotherwood Villas Dale Road South Darley Dale Derbyshire DE4 2EU</td>
<td>Planning Application Received</td>
<td>21/11/2016</td>
</tr>
<tr>
<td>ENF/16/00075</td>
<td>Alleged unauthorised garage.</td>
<td>Whitworth House Dale Road North Darley Dale Derbyshire DE4 2FS</td>
<td>Complaint Unfounded</td>
<td>04/10/2016</td>
</tr>
<tr>
<td>ENF/16/00082</td>
<td>Alleged unauthorised engineering operations.</td>
<td>Oker House Moor Lane Darley Dale Derbyshire DE4 2HG</td>
<td>Complied Voluntarily</td>
<td>19/10/2016</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>
<td>23/01/2017</td>
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</tbody>
</table>

**Dovedale And Parwich**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lamposts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Complied Voluntarily</td>
<td>04/11/2016</td>
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</table>

**Doveridge And Sudbury**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<th>Status</th>
<th>Date</th>
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</thead>
<tbody>
<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>
<td>30/01/2017</td>
</tr>
<tr>
<td>ENF/16/00081</td>
<td>Alleged breach of condition 4 of planning permission 16/00419/FUL - cond’n 4 states, No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.</td>
<td>Abbotsholme Stud Marston Bank Rocester Derbyshire ST14 5BP</td>
<td>Complied Voluntarily</td>
<td>03/11/2016</td>
</tr>
</tbody>
</table>

**Hulland**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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>
<td>02/02/2017</td>
</tr>
</tbody>
</table>

**Masson**

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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>
<td>10/01/2017</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>
<td>15/02/2017</td>
</tr>
<tr>
<td>ENF/16/00058</td>
<td>Unauthorised facia advertisement.</td>
<td>F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>22/11/2016</td>
</tr>
<tr>
<td>ENF/16/00070</td>
<td>Alleged engineering operations</td>
<td>Land To The South Of Yeats Lane, Cromford.</td>
<td>Complaint Unfounded</td>
<td>21/09/2016</td>
</tr>
<tr>
<td>ENF/16/00077</td>
<td>Untidy site</td>
<td>Promenade Fish And Chip Shop 128 - 132 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complied Voluntarily</td>
<td>05/10/2016</td>
</tr>
<tr>
<td>ENF/16/00083</td>
<td>Alleged change of use for selling tea and coffee.</td>
<td>Simon Dunn Chocolatiers S2 - 54 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Complaint Unfounded</td>
<td>12/10/2016</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>
<td>01/02/2017</td>
</tr>
<tr>
<td>ENF/16/00085</td>
<td>Alleged unauthorised alterations to a Listed Building.</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Complaint Unfounded</td>
<td>18/10/2016</td>
</tr>
</tbody>
</table>

**Matlock All Saints**

| ENF/16/00093 | Breach of condition relating to Tree protection on land off Bakewell Road at Matlock | McDonald's 43 Bakewell Road Matlock Derbyshire DE4 3AU | Not in the Public interest to pursue | 10/01/2017 |
| ENF/16/00094 | Alleged unauthorised advertisements. | 8 Snitterton Road Matlock Derbyshire DE4 3LZ | Complaint Unfounded | 14/11/2016 |
| ENF/16/00098 | Unauthorised side extension. | 21 Imperial Road Matlock Derbyshire DE4 3NL | Planning Application Received | 23/01/2017 |

**Matlock St Giles**

| ENF/15/00088 | Unauthorised play equipment at The Gate Inn, Tansley. | Gate Inn The Knoll Tansley Derbyshire DE4 5FN | Appeal Allowed | 07/11/2016 |
| ENF/16/00018 | Unauthorised extensions to existing stables and field shelter. | Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire | Planning Application Received | 22/11/2016 |
| ENF/17/00014 | Breach of condition relating to builders parking outside the site on planning permission 15/00200/FUL | 1 Hawleys Close Matlock Derbyshire DE4 5LY | Complied Voluntarily | 08/02/2017 |

**Norbury**
ENF/16/00068 Alleged breach of condition 9 relating to the slurry pit on land at Four Oaks Farm, Shields Lane, Roston. 10/00580/FUL - condition 9 "The slurry lagoon hereby approved shall only be used for the storage of slurry arising from the keeping of livestock on the site and livestock kept at Pear Tree Farm, Stubwood. It shall not be used for the storage of slurry or any other waste material imported from elsewhere". Land To The South Of West View Shields Lane Roston Derbyshire Complaint Unfounded 20/09/2016

| Stanton          | ENF/16/00067 | Unauthorised erection of a timber fence adjacent to a highway. | 2 River View Dale Road North Darley Dale Derbyshire DE4 2HX | Not in the Public interest to pursue | 11/01/2017 |
| ENF/16/00086 | Unauthorised erection of an oversized fence adjacent to a highway. | 1 River View Dale Road North Darley Dale Derbyshire DE4 2HX | Not in the Public interest to pursue | 11/01/2017 |

| Wirksworth       | ENF/16/00059 | Unauthorised alterations to a Listed Building. | The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB | Not in the Public interest to pursue | 04/01/2017 |
| ENF/16/00088 | Alleged unauthorised extension to an existing building. | Ecclesbourne Valley Railway Wirksworth Station Station Road Wirksworth Derbyshire DE4 4FB | Complaint Unfounded | 31/10/2016 |
| ENF/16/00104 | Alleged unauthorised smoking shelter | Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET | Complaint Unfounded | 14/12/2016 |

**Total Closed Cases** 39
<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tbody>
<tr>
<td>15/00842/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00307/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00066/FUL</td>
<td>Ley Hill House, Brocksford, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00262/FUL</td>
<td>The Barn opposite Haven House Farm, Waldley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00097/FUL</td>
<td>Mayfield Road, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of appeal decision attached</td>
</tr>
<tr>
<td>16/00411/FUL</td>
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<td>The Sycamores, 2 Wishingstone Way, Matlock</td>
<td>WR</td>
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<td>ENF/16/00041</td>
<td>2, 4 and 6 North Parade, Matlock Bath</td>
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<td>16/00041/OUT</td>
<td>Land off Old Road, Darley Dale</td>
<td>HEAR</td>
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<td>16/00151/FUL</td>
<td>Barn &amp; Land, Brick Kiln Lane, Wash Green, Wirksworth</td>
<td>WR</td>
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<td>Land opposite 30 Bedehouse Lane, Cromford</td>
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<td>16/00564/FUL</td>
<td>Land off Alders Lane, Tansley</td>
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**WR** - Written Representations  
**IH** - Informal Hearing  
**PI** – Public Inquiry  
**LI** - Local Inquiry  
**HH** - Householder  

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 31 January 2017

by David Cross  BA (Hons), PGDip, MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/P1045/W/16/3161175
Buckholme Farm, Mayfield Road, Ashbourne, Derbyshire DE6 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Bubber against the decision of Derbyshire Dales District Council.
- The application Ref 16/00097/FUL, dated 11 February 2016, was refused by notice dated 3 May 2016.
- The development proposed is new residential dwelling on essentially the same footprint as the previous cottage on the site which collapsed following repair works in 2014.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Bubber against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:

   - whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with national planning policy, the proposed development would amount to a sustainable form of development;
   - The effect on the character and appearance of the area; and
   - Whether the proposal represents an acceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework (the Framework).

Reasons

Location and Sustainable Development

4. Although the site originally contained a building, I saw at my site visit that that this was no longer in situ although a concrete foundation pad was in place. I note that the Council state that prior to its removal the building had a nil use. The appeal proposal therefore represents the development of a new dwelling. The Council also state that the site lies within the open countryside as defined in the Derbyshire Dales Local Plan 2005 (DDLP). I also saw on my site visit
that the proposal would be on a free-standing site within a rural landscape. It would be located remotely from the main farmstead of Buckholme Farm and the public highway of Mayfield Road, although it would be connected to both by an access track.

5. The Council state that the site is located 2km from Ashbourne Town Centre. However, I saw that there were shopping and other facilities in closer proximity on a retail park some distance to the east of the site as well as a convenience store associated with a petrol station to the south west. Both of these would be accessed via Mayfield Road which although it is well trafficked, is well-lit and has a dedicated footpath.

6. However, access between the site and Mayfield Road would be via an unmade and unlit track over a significant distance. There is also an unsurfaced public footpath leading across the fields adjacent to the appeal site. Due to the nature of these access routes from the appeal site and the distances involved, I consider that this would deter occupants of the appeal site from accessing facilities in the area by cycle or on foot. I note that there is a regular bus service on Mayfield Road which provides access to services in the surrounding area, but this would also be accessed via the unlit track and in any event I do not consider that this will provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport.

7. On balance therefore, the proposed dwelling would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car.

8. The Framework’s approach to the promotion of sustainable development in rural areas, set out in paragraph 55, states that new isolated homes in the countryside should be avoided unless there are special circumstances, such as where the development would re-use redundant or disused buildings. For the above reasons, I consider that the proposal would result in an isolated home in the countryside due to its location and limited accessibility. It would not meet any of the special circumstances listed in Paragraph 55 of the Framework and I conclude that it would conflict with national planning policy in relation to the sustainable location of rural housing.

Character and Appearance

9. Based on the evidence provided to me, in particular the photographs included in the appellant’s Design and Access Statement, the original building on the site was a modest structure with the character and appearance of a rural cottage.

10. In comparison to the original building, the proposed dwelling would be a substantial 3-bedroomed house with a uniform ridge line to the main roof. I note that the appellant states that the proposed dwelling is only marginally larger than the original cottage. However, based on the submitted plan, I consider the proposal would appear as a sizeable modern dwelling within the open countryside, the visual impact of which would not be overcome through the use of reclaimed materials from the original building.

11. Although a degree of screening would be provided by trees and hedgerows in the vicinity of the site, I saw that the dwelling would be visible in views from

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the surrounding area and in particular from a public footpath to the west of the site. It would therefore appear as a free-standing dwelling separated from the main farmstead of Buckholme Farm and settlements in the area, and would have the character and appearance of sporadic development in the countryside. The design of the dwelling would exacerbate its prominence as the ground floor would be elevated to address flooding issues, which would in turn increase the height and bulk of the dwelling.

12. For the above reasons, I consider that the proposal would be detrimental to the character and appearance of the countryside, and would therefore be contrary to Policies SF5 and NBE8 of the DDLP which state that development should protect or enhance the character and appearance of its surroundings and the landscape. However, I note that the Council state that Policy NBE8 should only be afforded limited weight as it is at odds with the Framework’s more balanced approach. Notwithstanding this, the proposal would also conflict with the objectives of the Framework in relation to requiring good design and recognising the intrinsic character of the countryside.

**Flood Risk**

13. The appellant has submitted a Flood Risk Assessment (FRA) which states that the site is within Flood Zone 2 which is defined in the Planning Practice Guidance 2014 (as amended) (PPG) as a medium flood risk area with an annual probability of river flooding between a 1 in 100 and 1 in 1,000.

14. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk and that this should be applied in all areas known to be at risk from any form of flooding.

15. I have regard to the FRA and note that the Figure 9 (i.e. Table 3 of the PPG) indicates that the proposed development is appropriate in Flood Zone 2. I also note that the Environment Agency have not objected to the proposal. However, the PPG states that Table 3 does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1 then Flood Zone 2 etc.

16. The appellant has questioned why there is a need to investigate other development sites as the proposal is required to house his extended family, some of whom have health issues. However, no substantive evidence of these personal needs has been provided to me. Furthermore, apart from reference to the distance to housing sites designated in an emerging Local Plan, I have not been provided with substantive evidence demonstrating why the needs of the appellant’s family cannot be met through the adaptation of Buckholme Farm or on sites elsewhere, particularly sites which are sequentially preferable in terms of flood risk.

17. The requirement for a Sequential Test is clearly set out within the Framework and the PPG. Given the above, I conclude that a robust Sequential Test has not been undertaken and that, due to the failure to apply this test, the proposal is contrary to paragraph 101 of the Framework.

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1 Table 3: Flood risk vulnerability and flood zone ‘compatibility’ - https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability
**Other Matters**

18. The appellant states that the occupation of the dwelling would be incidental to the main Buckholme Farm building. Whilst this may have been agreed in previous discussions between the appellant and the Council, there is no mechanism in place to ensure that this would be the case. The appellant has also referred to the potential preparation of an anti-severance agreement, however no such agreement has been put before me and I can therefore give this very little weight.

19. The appellant has also referred to previous discussions with the Council in relation to the conversion of the original building on the site to residential use. However, this related to the re-use of a redundant or disused building and would therefore have been assessed against different policy criteria, including the provisions of the Framework. The appellant has also referred to the development of Buckholme Farm which was considered to be acceptable, although I note that this related to a replacement dwelling which would be assessed against different policies, rather than the introduction of a new dwellinghouse.

20. My attention has also been drawn to decisions relating to other housing and traveller sites. However, I do not have full details of these schemes and so cannot be sure that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.

21. I have had regard to the benefits arising from the proposal. Notwithstanding my comments on matters of flood risk, I am mindful of the personal circumstances raised by the appellant, particularly in relation to the care and accommodation needs of his family. I also note that the proposal would use reclaimed materials from the original cottage and would be constructed on a previously developed site. The construction of the development would also add to employment in the area, albeit to a small degree over a limited period of time. However, these matters do not outweigh the harm I have identified above.

22. I note that there is a disagreement between the parties as to whether the Council is able to demonstrate a 5 year supply of deliverable housing sites. However, even if I were to conclude there is a shortfall in 5 year supply as suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accord with the development plan or the Framework.

**Conclusion**

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR
Appeal Decision

Site visit made on 4 January 2017

by Alwyn B Nixon  BSc MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 February 2017

Appeal Ref: APP/TPO/P1045/5458
2 The Sycamores, Wishingstone Way, Matlock, Derbyshire DE4 5LU

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a failure to give notice within the prescribed period of a decision on an application for consent to undertake work to trees protected by a Tree Preservation Order.
- The appeal is made by Mrs Susan Chapman against Derbyshire Dales District Council.
- The application Ref: T/16/00086/TPO, is dated 6 June 2016.
- The work proposed is 50% crown reduction to 3 sycamores.
- The relevant Tree Preservation Order (TPO) is the West Derbyshire District Council Tree Preservation Order No. 11, which was confirmed on 24 September 1979.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in relation to the appeal is whether the work proposed to the trees is justified, having regard to the contribution which the trees make to public amenity and the reasons put forward for the work.

Reasons

3. The appeal concerns three mature sycamores comprised within Group G4 of the TPO. The trees stand some 6-10 metres apart, set back slightly from the property’s frontage with Wishingstone Way and close to the junction with Asker Lane. They form an attractive and prominent feature in the street scene. Although the main stems fork close to ground level, the three trees each possess good overall shape and have well-developed leaf canopies.

4. No detail is provided of the extent of the works proposed beyond stating that each tree would have its crown reduced by 50%. Nonetheless, from this very brief description it is clear that such a large-scale reduction of the crowns of these three specimens would very significantly alter their impact in the street scene. It would markedly diminish their appearance and the contribution that they currently make to public amenity. Moreover, such large-scale works to the trees would cause major shock and result in large open wounds to all of the main branches of each specimen. No professional assessment is provided of the current health of each tree and the likely effect on this of the works proposed. There is nothing by way of professional assessment which substantiates the assertion that such wholesale reduction is necessary to ensure that the trees are maintained and grow healthily through future years.
5. Although the trees are large and stand not far apart, to my mind they do not appear to be unduly cramped, such that major work of the kind proposed is necessary to reduce overcrowding. Nor is there anything to substantiate the claim that such wholesale reduction is necessary to prevent limbs becoming weakened and failing, and so resolve health and safety issues, or to prevent the trees becoming misshapen.

6. Whilst it is also asserted that a 50% crown reduction would eliminate any further obscuring of the public footway and streetlight, at my visit I saw nothing to suggest any significant problem in this respect. Even if such effects were occurring, such issues would not warrant a 50% crown reduction of the 3 trees in order to resolve them.

7. The two specimens on either side of the sloping drive do not have low hanging branches, and to my mind would be unlikely to give rise to excessive shading of the driveway when in leaf. Whilst I accept that wet fallen leaves can be slippery, thus requiring due care, I do not find this a convincing argument for the major crown reduction works proposed, particularly given the degree of harm to public amenity that would result.

8. Overall, I conclude that the three sycamores make a significant and positive contribution to public amenity, and that the works proposed would significantly reduce this. No adequate reasons have been put forward which justify the extent of the works proposed. Accordingly, the appeal does not succeed.

9. Having taken into account all matters raised, I dismiss the appeal.

Alwyn B Nixon

Inspector
Appeal Decision
Site visit made on 15 February 2017
by Keith Manning  BSc (Hons) BTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government
Decision date: 23 February 2017

Appeal Ref: APP/P1045/W/16/3163651
Barn & Land, Brick Kiln Lane, Wash Green, Wirksworth, Derbyshire DE4 4FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs R Lambeth against the decision of Derbyshire Dales District Council.
- The application Ref 16/00151/FUL, dated 2 March 2016, was refused by notice dated 14 June 2016.
- The development proposed is conversion and extension of barn to form holiday let and erection of replacement storage building.

Decision
1. The appeal is dismissed.

Procedural Matter
2. The appellants signified on the appeal form that they are agreeable to the changed description of development put forward by the Council in processing the application. That is the description I therefore adopt for the purposes of determining this appeal.

Main Issues
3. The main issues are:-
   - the effect of the proposed development on the character and appearance of the building in its essential context; and
   - its effect on the character or appearance of the Wirksworth Conservation Area

Reasons
4. The appeal site is a small stone and brick field barn within a paddock on the rural fringe of Wirksworth and the land around controlled by the appellants is used for various purposes including a tree nursery and the keeping of bees and poultry. The proposal is motivated by a desire to diversify their activities and generate additional income. The land immediately behind is occupied by a ramshackle corrugated structure and various items stored outdoors. The purpose of the stable-like replacement proposed is to tidy the site and improve the prospect for holiday makers occupying the extended barn.
5. The building within an area of sloping rural land crossed by a number of footpaths, albeit visibility is limited to some degree by boundary walls and vegetation. Although not as widely visible and conspicuous in the landscape as some field barns are, it is nevertheless part of the more enclosed and intimate rural scene here and can be viewed in profile on approach up the track/public footpath which runs alongside the structure.

6. Field barns are fairly typical of the area and are characteristically very simple in structure and appearance, reflecting their essential functionality. Pressure to convert farm buildings more generally is sufficient to have prompted the Council to have produced a supplementary planning document (SPD) dealing with the topic, adopted in 2007 and therefore of sufficient status to carry significant weight as a material consideration, albeit not the full weight that could be accorded to the development plan.

7. In guiding developers on extensions and additions, the Council’s SPD sets out its expectations, amongst which respect for and harmonisation with the existing building in terms of size, scale, form and massing and retention of the original as the dominant element are the most relevant principles in this case. These apply whether or not the building is within a conservation area.

8. The development plan comprises saved policies of the Derbyshire Dales Local Plan adopted in 2005. Policy SF4 concerns development in the countryside and to the extent that it seeks to stimulate the growth of tourism and farm diversification in the interests of the rural economy, whilst protecting its character and appearance, it is broadly consistent with the fifth core principle set out in paragraph 17 of the National Planning Policy Framework and may be accordingly be given the full weight generally due to an adopted development plan policy. A proposal of the type at issue would be acceptable under the policy provided, amongst other things, it represented acceptable re-use, adaptation or extension of an existing rural building.

9. Policy SF5 seeks to secure, amongst other things, good design in context and the maintenance of local distinctiveness, again objects which are consistent with the intentions of the Framework and worthy of full weight in terms of the primacy of the development plan.

10. In this case, the proposed development includes the extension of the field barn by the addition of what, in practice, would appear as a substantial projection at right angles to it with a ridge height almost to that of the original barn and eaves at a height which exceed those on the elevation to which it would be attached. The visual impact of the design proposed would belie the relatively modest increase in ground floor area and the consequence would be an increase in bulk visually emphasised by a complex form of roof, an approach which can be deployed in the case of certain domestic extensions without undue harm to the character and appearance of the host dwelling.

11. However, the host building in this case is a small field barn which contributes to the character and appearance of its essentially rural context by virtue of its very simplicity, making it instantly recognisable for what it is. The Council’s Design and Conservation Officer and the Conservation Advisory Forum both criticise the proposed design as effectively insensitive and harmful to the building and inappropriate to its context. The Design and Conservation Officer goes so far to say that the host building would be ‘unrecognisable’ as a traditional Derbyshire Field barn. Whilst from the closest public viewpoint of
the lane immediately adjacent to the building that might not be so, from most other perspectives the criticism would hold good, including on the approach up the track.

12. Even though it is proposed to use matching materials, the impact on the original form of the building would be inescapable and would seriously erode its character and appearance. It follows that its contribution to the rural character and appearance of the area would also be eroded commensurate with the contribution to it that the building currently makes.

13. For these reasons I consider that the harm to the character and appearance of the building in its essential context would be significant and would give rise to harmful conflict with the intentions of policies SF4 and SF5 of the local plan.

14. That harm would be given added force by the fact that the site falls within the extensive Wirksworth Conservation Area, the appraisal for which notes the positive contribution which historic farm buildings make to its character and appearance.

15. By virtue of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required in this case to pay special attention to the desirability of preserving or enhancing the character or appearance of the Wirksworth Conservation Area. That statutory duty of general applicability is reflected in the Framework and in policy NBE21 of the local plan; and the effect of the proposal on the heritage asset that the conservation area represents, and on its significance, is a key concern as harm in that context merits considerable importance and weight.

16. In the light of my conclusions on the first issue I have no difficulty in concluding that the harm to the character and appearance of the building in its essential context would have the commensurate effect of failing to preserve both the character and the appearance of the Wirksworth Conservation Area. As the harm to the significance of this designated heritage asset would in my view be less than substantial it falls, following paragraph 134 of the Framework, to be weighed against the public benefits of the proposal.

17. Improvements to the rural economy are clearly a public benefit and the tidying of the site to the rear of the field barn would be a public benefit as far as the appearance of the conservation area is concerned. However, I am not persuaded that the particular form of extension to the field barn is the only way in which it could viably be brought into use as a very simple and basic form of accommodation such as that suggested by the current drawings. Nor am I persuaded that the proposal overall is necessarily the key to tidying the site, the implementation of which intention is implicit in the simple replacement storage building proposed.

18. The appellants suggest that the proposal falls to be considered under the presumption in favour of sustainable development but the development plan is neither silent nor out-of-date in respect of relevant policies; and footnote 9 to the Framework in any event includes designated assets in the list of potential restrictions which negate the so-called weighted presumption of paragraph 14.

19. The proposal clearly involves two distinct and potentially divisible elements and I have therefore considered the possibility of a split decision. However it seems to me that the positioning or orientation of the proposed storage building could
be influenced by the manner in which the field barn might ultimately be restored if a less harmful scheme were to be devised for the field barn. Bearing in mind also that I have not been asked to split the decision, I have not considered that possibility or the specific merits of that element of the proposal further.

20. I have taken all other matters raised in relation to the field barn into account but none are sufficient singly or in combination to persuade me that there are material considerations sufficient to outweigh the intentions of either the development plan or those of national policy. I therefore conclude that the appeal should be dismissed.

*Keith Manning*

Inspector
Appeal Decision

Site visit made on 6 February 2017

by Michael Moffoot  DipTP MRTPi DipMgt MCMI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th February 2017

Appeal Ref: APP/P1045/W/16/3161542
Land opposite 30 Bedehouse Lane, Cromford DE4 3QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr & Mrs A Daly against Derbyshire Dales District Council.
- The application Ref: 16/00385/FUL, is dated 24 August 2016.
- The development proposed is erection of two bedroomed detached dwelling house.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies outside the Settlement Framework Boundary for Cromford and is therefore in the countryside for planning policy purposes, where permission is only granted for certain types of development under the provisions of saved Policy SF4 of the Derbyshire Dales Local Plan (2005)¹. It is no part of the appellants’ case that the proposal would accord with these policy criteria.

3. However, they submit that the site has historically been in domestic use in association with No 30 Bedehouse Lane for a significant time and refer, amongst other things, to 1985 and 1990 permissions for a garage on the land which they contend is extant. No clear evidence has been provided in respect of these matters, however, and it is for the appellants to submit an application under the provisions of s191 of the Act if they wish to pursue this matter.

Main Issue

4. The Council confirms that, had it been in a position to determine the planning application at appeal, permission would have been refused on the grounds that the siting and design of the proposed dwelling would be harmful to the Outstanding Universal Value of the World Heritage Site, the setting of nearby listed buildings and the character and appearance of the Cromford Conservation Area.

5. Accordingly, the main issue in this case is the effect of the proposed development on the character and appearance of the Cromford Conservation Area, the Derwent Valley Mills World Heritage Site and the setting of listed buildings.

¹ This settlement boundary designation is carried through to the replacement Local Plan referred to below
Reasons

6. The appeal site lies to the east of Bedehouse Lane; a narrow, steep road which runs northwards from Barnwell Lane and serves a number of residential properties before reducing to a public footpath at the Almhouses and then leads down to Mason’s Opening. The sloping, L-shaped site is contained by stone walls and hedging and is largely down to grass. It includes a timber shed, a small vegetable plot, scattered trees and bushes and a parking area which currently serves No 30.

7. The Local Plan is over 10 years old. The emerging/replacement Local Plan is at a relatively early (deposit draft) stage in the process leading to formal adoption and its policies can therefore only be afforded limited weight. Paragraph 14 of the National Planning Policy Framework (‘the Framework’) indicates that where relevant development plan policies are out-of-date, permission should be granted unless specific policies in the Framework, such as those relating to designated heritage assets, indicate development should be restricted. In this case, saved housing Policies H4 and SF4 of the Local Plan are out-of-date. Saved Policies NBE16 (‘Development Affecting a Listed Building’), NBE21 (‘Development Affecting a Conservation Area’), NBE25 (‘Derwent Valley Mills World Heritage Site’), SF5 (‘Design and Appearance of Development’) and H9 (‘Design and Appearance of New Housing’) are therefore most relevant to my determination of the appeal.

8. Within the extensive Conservation Area, built development on Bedehouse Lane in the vicinity of the appeal site is characterised by a cluster of traditional houses largely consisting of two-storey gritstone cottages, together with the Almhouses which form a focal point when approaching from the south. Distinctive gritstone walls enclose the lane and gardens and, in conjunction with the dwellings, impart a pleasant sense of enclosure. Housing on the east side of the lane near the site gives way to open land with views across Cromford Hill, an extensive area of steep, open pasture. The wider landscape provides a dramatic topography, including gorges, rivers and dense woodland together with the historic settlement of Cromford. I observed these features from the public rights of way on elevated land to the south-east of the appeal site which provide panoramic views of the area, including the appeal site.

9. Within this context, the site contrasts markedly with built development on Bedehouse Lane. Although hedging filters views from the lane when passing the site, the openness beyond is nevertheless readily apparent. When approaching from the north on the footpath, the site is perceived as part of the open land it adjoins notwithstanding that it is enclosed by low stone walls.

10. The erection of a dwelling on the site would fundamentally change its character. It would represent a significant incursion on a largely open site which contributes to the character and appearance of this part of the Conservation Area, where built development contrasts sharply with the openness of surrounding land and its wider open setting. Parked cars and domestic paraphernalia associated with the development would compound the impact. The proposal would also compromise the historic pattern of development on Bedehouse Lane, where housing is mainly on the west side of the route. As a result, the integrity of the Conservation Area in this location would be seriously eroded.

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2 Derbyshire Dales Local Plan - Pre Submission Draft Plan (2016)
11. The proposed dwelling would be constructed of local gritstone under a stone tiled roof. Like a number of other dwellings on Bedehouse Lane, the building would be set at right angles to the road and follow the contours of the land. However, it would be a relatively large dwelling on such a prominent site and would dominate this part of the lane.

12. In terms of design detail, the off-set chimney would unbalance the principal elevation, and the use of (what I take to be) vertical sliding sash windows would be out of keeping with nearby properties where side-hung casement units generally prevail. The large patio doors to the east gable would be particularly inappropriate. I agree with the Council and others that the design would comprise a pastiche which would fail to respect its setting and surroundings. The proposal would therefore conflict with Local Plan Policies SF5 and H9 which set out detailed criteria for the design and appearance of new development, including the preservation or enhancement of local distinctiveness and character.

13. The appeal site lies within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. Here, Policy NBE25 of the Local Plan states that planning permission for development will only be granted where it does not have an adverse impact upon the setting of the World Heritage Site. The site is prominently located within the Buffer Zone and is visible from the DVMWHS. Although it would generally be observed against a backdrop of established housing, the new dwelling would be a clear incursion on to open land, thereby compromising the setting of the DVMWHS.

14. I now turn to the implications of the proposal for listed buildings in the vicinity of the site. Despite the plot being on the opposite side of the lane its openness contributes to the setting of No 30 Bedehouse Lane, and this relationship would be diminished by the erection of the proposed dwelling. Nos 36-38 lie at fairly close quarters to the south-west of the site. The proposal would have some effect on the setting of the buildings by reducing openness, although the impact would not be significant.

15. Although it would screen to some extent the modern outbuildings within the gardens of Nos 41 and 43 when approaching from the north, the new dwelling would adversely impinge on the setting of the two dwellings, which is enhanced by the openness of the appeal site. It would also be observed in conjunction with the buildings when approaching from the south and further compromise their setting.

16. As noted above, the Almshouses form a focal point on Bedehouse Lane when approaching from the south. The openness of the appeal site contributes to their setting, providing contrast with built development on the west side of the lane that is visually terminated by the Almshouses. The proposal would compromise this setting. From the north, the new dwelling would be observed in conjunction with the Almshouses and the openness of the appeal site which enhances its setting would be eroded.

17. Drawing these findings together, I conclude on the main issue that the proposed development would not preserve or enhance the character or appearance of the Cromford Conservation Area, in conflict with Policies NBE21 SF5 and H9 of the Local Plan. It would also harm the setting of the Derwent Valley Mills World Heritage Site Buffer Zone contrary to Local Plan Policy.
NBE25, and would harm the setting of the listed buildings I have referred to, in breach of Policy NBE16.

18. Although the proposal would lead to less than substantial harm to the significance of these designated heritage assets as described in paragraph 134 of the Framework, this harm is not outweighed by the public benefits of the scheme comprising a modest contribution to housing supply in the District and the sustainability credentials of the development.

**Other Matters**

19. The visibility to the west at the junction of Bedehouse Lane and Barnwell Lane is restricted and additional traffic generated by the proposed development would increase the likelihood of vehicular conflict here, to the detriment of highway safety. If I were minded to allow the appeal then I would have sought further information regarding the matter, but as I have found the proposal to be unacceptable for other reasons this course of action is unnecessary.

20. None of the other factors put forward by the appellants outweigh the harm to the significance of the designated heritage assets. Other issues raised in representations have no bearing on the planning merits of the proposal.

**Conclusion**

21. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

*Micahel Moffoot*

Inspector
BACKGROUND PAPERS

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

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

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

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