26 August 2016

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 6 September 2016 at 6.00pm at The Venue, Wyaston Road, Ashbourne DE6 1NB – PLEASE NOTE CHANGE OF VENUE.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS: The Committee is advised a coach will leave The Venue, Ashbourne at 3.10pm 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 – 9 August 2016

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. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 16/00436/OUT
Outline application for residential development of up to 47 dwellings with associated access at Land at Luke Lane, Brailsford.

4.2 APPLICATION NO. 16/00309/REM
Residential Development – Reserved Matters Application for the erection of 103 dwellings (Outline Permission 15/00319/OUT) at land south of Leys Farm, Wyaston Road, Ashbourne.

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, Joyce Pawley, Mark Salt, Andrew Shirley, Andrew Statham, Jacquie 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>Representations</th>
<th>Time Limit</th>
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<tr>
<td>Town and Parish Councils</td>
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<td>Objectors</td>
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<td>Ward Members</td>
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<td>Supporters</td>
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<td>Agent or Applicant</td>
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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 3.10pm prompt for the following site visits:

3.30pm APPLICATION NO. 16/00436/OUT

LAND AT LUKE LANE, BRAILSFORD

At the request of Officers to allow Members to consider the site in its context and the impacts of the proposed development.

4.20pm APPLICATION NO. 16/00309/REM

LAND SOUTH OF LEYS FARM, WYASTON ROAD, ASHBOURNE

At the request of Officers to allow Members to fully assess the impact of the development on the local environment and the residential amenity of the occupants of existing dwellings.

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

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
**APPLICATION NUMBER**  
16/00436/OUT

**SITE ADDRESS:**  
Land at Luke Lane, Brailsford

**DESCRIPTION OF DEVELOPMENT**  
Outline application for residential development of up to 47 dwellings with associated access

**CASE OFFICER**  
H Frith

**APPLICANT**  
Mr Steve Louth

**PARISH/TOWN**  
Brailsford

**AGENT**  
Miss Kathryn Young

**WARD MEMBER(S)**  
Cllr A Jenkins

**DETERMINATION TARGET**  
21.09.16

**REASON FOR DETERMINATION BY COMMITTEE**  
Major development

**REASON FOR SITE VISIT (IF APPLICABLE)**  
For members to consider the site in its context and the impacts of the proposed development.

**MATERIAL PLANNING ISSUES**

1. The sustainability of Brailsford as a third tier settlement
2. Prematurity of decision making due to the absence of local plan policies
3. Landscape impacts
4. Highway safety
5. Residential amenity and loss of dark sky and impact of footpaths
6. Land drainage and sewerage capacity
7. Impacts upon ecology
8. Character and appearance
9. Developer contributions
10. Housing mix
11. Loss of high quality agricultural land

**RECOMMENDATION**

Approval
16/000436/OUT

Land at Luke Lane, Brailsford

Derbyshire Dales DC

Date: 25/08/2016

100019785

1:2,500

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 781100.
Website: www.derbyshiredales.gov.uk
1. THE SITE AND SURROUNDINGS

1.1 The application site relates to a green field to the northern tip of the village of Brailsford. The highway runs to the western and northern edges of the field. The site is bounded by native hedgerows with a significant planted screen to the south of the eastern boundary. Residential properties are located to the south of the site with a single dwelling located to the north beyond Mercaston Lane. The new school building and ongoing residential development is located to the south west of the site on the opposite side of Luke Lane. The site generally slopes slightly downhill in a south easterly direction.

2. DETAILS OF THE APPLICATION

The application has been amended since first submission and in its amended form planning permission is sought to erect up to 47 dwellings on the site with all matters other than access reserved for subsequent approval through a reserved matters application.

Through the application process the developable extent of the site has been reduced to leave an open field to the northern tip of the site. The community car park has also been removed from the scheme. Access is proposed opposite the northern gable end of the school building.

47 dwellings are now proposed with built development retained within the area the subject of draft plan allocation HC2(g).

The initial scheme included an indicative housing mix. This has still to be confirmed for the reduced scheme.

It is noted in the application details that these mixes of house types/sizes can be negotiated through a reserved matters application.
The applicant submitted a significant amount of supporting information with the application which relates to the development of the whole site rather than the reduced areas, these documents are as follows and will be referred to in the assessment of the development:

- Landscape and visual impact assessment
- Topographical survey
- Ecological mitigation strategy
- Planning statement
- Statement of community engagement
- Economic benefits statement
- Sustainability statement
- Agricultural land classification
- Ecological appraisal
- Great crested newt survey report
- Hedgerow and survey assessment
- Archaeological desk based assessment
- Geophysical survey report
- Geological desk study report
- Transport assessment
- Travel plan
- Flood risk assessment
- Sustainable drainage statement
- Transport and infrastructure statement
- Arboricultural advice
- Design and access statement

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   - SF4: Development in the Countryside
   - SF5: Design and Appearance of Development
   - SF6: Protection of the Best Agricultural Land
   - SF7: Waste Management and Recycling
   - SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   - H4: Housing Development Outside 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
   - 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. Other:
   - National Planning Policy Framework
   - National Planning Practice Guidance
4. RELEVANT PLANNING HISTORY:
None

5. CONSULTATION RESPONSES

Parish / Town Council

5.1 The NPPF encourages sustainable development where a need has been established. There is no such need in Brailsford.

No housing need assessment has been produced to underpin this policy based on the size of the village, the employment opportunities and capability of amenity to accommodate such significant growth.

The environmental role of sustainability should protect and enhance the environment recognising the intrinsic beauty of the countryside. Policy SF4 of the Draft Local Plan requires development preserves and enhances the character and appearance of the countryside and minimises any adverse impacts upon the environment.

This is a high landscape sensitivity area and an area of medium tranquillity. The prominence of the site increases to the north and east and will adversely affect landscape character, intrusion into open countryside and loss of grade 3 agricultural land.

The scale and character of the development is highly visible, intrusive and out of scale to the adjoining settlement. This intrusive impact is contrary to the policies mentioned. Policy N9 of the draft local plan and policy SF5 of the Adopted Local plan requires that the design and appearance of development respects the scale, density, massing, height and layout preserves the quality and local distinctiveness of the area. Saracens Court is a good example of development.

The application is in outline form and does not address the above policies in any depth leaving the developer with free reign as to the appearance of the development which will further urbanise the village environment. Therefore a design statement is required and an EIA should be commissioned to support the application and its recommendations incorporated in terms of highway, biodiversity, water and services, and local amenities.

The siting of the access and the overall environment of Luke Lane will have a severe impact on safety for pedestrians and road users due to: the mix of adopted highways and private drives, the nearby development of 50+houses, increased level of traffic, the higher than average number of HGV’s and the likely development of the Dairy site. The overall effect is to complicate and confuse road users which will lead to harm to highway safety.
The density and size of the site in excess of 25 dwellings per hectare and therefore inappropriate for a rural area.

The affordable housing component at 32% as per emerging policy HC4 of the draft local plan.

**Environment Agency**

5.2 No comment to make on this application. Refer to the Flood Authority.

**Derbyshire County Council (Highways)**

5.3 With regard to the Transport assessment, the trip rates are taken from TRICS database and consider favourably with those recently considered for the development on the opposite side of Luke Lane. The trip rates are considered to be acceptable. The transport assessment considers committed development approved within the Brailsford area as well as the airfield site in Ashbourne with trip rates being based on assumptions from these – the Highway Authority is unlikely to challenge the approach taken.

The transport assessment includes a capacity assessment of the Luke Lane /A52 priority junction. It is considered that the important criteria in judging the success of junction design is the total delay to all vehicles not just the delays at peak times. Noting the worst case scenario in the morning at peak hours, the corresponding delays are not considered to be that significant especially considering the highway network in its entirety.

The transport assessment considered accident data. The analysis has not revealed any trends or features of the highway that are contributing to the accidents or that road safety will be affected by the proposed development. Whilst the development will inevitably increase traffic on the highway network there is no evidence to suggest that this will have a negative or detrimental impact upon highway safety. The highway authority does not agree with the content of a transport assessment or concur with every detail contained within it. Providing the conclusions are considered sound it is not considered reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion.

The Highway Authority is generally satisfied that there are no fundamental highway issues that would result in a severe impact of the surrounding highway network, or that the development would exacerbate highway safety concerns in the vicinity of the site.

Based on the evidence and information available the highway authority would not be in a position to support or defend a reason or refusal of planning permission on technical grounds.

The travel plan is a working document and should not be seen as exhaustive. It will be subject to change in the light of progression and completion of the development and the results of actions undertaken and responsive of future travel surveys.

The Highway Authority would want to be involved with the travel plan document and its monitoring to ensure the aspirations of the travel plan and the development as a whole accords with the assumptions made at this stage within the transport modelling. The Highway Authority would need to recoup funding for this and therefore the s106 agreement should include a payment not exceeding £2500 for this work. Ultimate responsibility for the monitoring of the travel plan will rest with the developer.

Comments are limited to the primary vehicle access point off Luke Lane only, as identified on the indicative plan. Please advise if further comments are required regarding access within the development.
No weight is given the master-plan drawing as submitted and the absence of specific comments relating to the internal estate street layout should not be taken as an indication that the proposed layout is acceptable to the highway authority. A more detailed assessment on this will be dealt with at the reserved matters stage. The developer should be encouraged to view the County Council’s 6 C’s design guide and enter into pre application discussions if they are intending to pursue the adoption of estate streets at a future date.

The proposed access emerges through an existing informal lay-by arrangement. A reasonable amount of data exists for established vehicle speeds in this area. The analysis suggests that minimum visibility splays of 2.4m x 49m should be provided to the north and 2.4m x 56m to the south. However, given the generous highway margins fronting the site, the actual visibility achievable from the proposed access point far exceeds these minimum levels. The geometry accords with adoptable criteria for the envisaged scale of development, therefore in terms of layout and location the proposed access is considered to be acceptable.

From a highway safety point of view there are some concerns with the formalisation of the lay-by in terms of design. The highway safety issues raised by its modification would far outweigh any perceived benefits. It would therefore be desirable to remove any arrangement for temporary parking and reinstate the highway verge which would ensure visibility is maintained. Regrading works would improve forward visibility for vehicles entering the village and increase inter-visibility for to the school.

Reference is made to a community car park. If the applicant wished to provide such a facility for general use, the proposed access to support the new development would offer a far superior access arrangement compared to the lay-by.

Await revised plans in this regard.

Revised plans have been submitted to address these issues raised by the Highway Authority and further comments from the Highway Authority will be reported directly to the committee.

Strategic Planning Policy (DCC)

5.4 No request for mitigation with respect to waste management.

New development should be supported by a communications strategy that delivers future proof infrastructure and supports sustainable communications services. Footnote required in this respect.

Considering this development for 71 dwellings and other approved development in Brailsford there is sufficient capacity within the primary school to accommodate the increased pupil numbers and therefore no contribution is required in this respect.

At secondary level the development would generate the need to provide for an additional 11 secondary and 4 post-16 pupils.

Queen Elizabeth Grammar School would therefore be over capacity by 11 pupils. To mitigate against this by providing the following developer contributions:

- £188,937.87 towards the provision of 11 secondary places and
- £74,511.60 towards the provision of 4 post-16 places.

Revised comments on the scheme of 47 units will be reported to Committee.

Derbyshire Wildlife Trust

5.5 It is understood that there are proposals to construct a residential development of up to 71 houses at the above site. The site comprises an arable field with boundary hedgerows, scattered trees and mixed plantation woodland. It is understood that the hedgerows, woodland and trees, that are of most ecological value, are to be retained as part of the
development. Overall the survey work that has been undertaken for the site is appropriate and has been undertaken in line with best practice guidance.

Great crested newt survey work was undertaken of Ponds 3 and 4, as agreed during our pre-application advice. No great crested newts were recorded during the presence/absence surveys; however these had to be finished earlier because the ponds dried up. The eDNA results came back positive for both ponds. The survey report surmises that these results are either from contamination or as a result of newts using them but not for breeding. The report considered that because the site provides sub-optimal habitat for great crested newt (the arable field) and the optimal habitat (hedgerows and woodland) is to be retained that the development could be undertaken under a non- licensable method statement. We would support this approach.

The site layout has ensured that the hedgerows are not within residential gardens and are instead accessible for appropriate management in the future. This is welcomed. The proposed wildlife corridor along the eastern and northern boundary of the site is considered to be appropriately sited and of a sufficient size.

If the Council are minded to grant planning permission for the proposed development it is recommended that conditions are attached.

Landscape Design Officer (Derbyshire Dales)

5.6 In terms of the impact on landscape character and visual amenity there is capacity for development on the southern part of the site. There are serious concerns with extending the area of development in to the northern part of the site. The southern part is influenced by proximity to existing development. In the south the belt of trees on the eastern boundary effectively encloses the site on this side and the field boundary hedge is an enclosing element. In the north the tree belt runs out or becomes highly fragmented. There is a much higher degree of visual connectivity between the site and its wider surroundings in the north with views through to high ground as far away as Mugginton.

Development being on or approaching a high plateau introduces the possibility of development on the skyline.

The field constitutes part of the countryside setting of the village on this side of Brailsford which, even now, is largely confined to lower ground either side of the A52 and extending only so far up Luke Lane. It does not break out into the highest part of the plateau except in the form of isolated farmsteads. Extending development towards Mercaston Lane will have an adverse impact upon the setting and approach to Brailsford from the north. It will introduce larger scale development onto the higher ground to the detriment of existing settlement pattern. Development will represent an intrusion into the countryside. The assessment of the northern part of the site as being highly sensitive to housing development remains appropriate.

Derbyshire County Council (Flood Authority)

5.7 The flood risk assessment detail does not comply with the DEFRA Non-statutory technical standard for sustainable drainage systems.

The applicant is proposing to dispose of surface water to a linear ditch on the eastern boundary of the site. No information has been submitted detailing the existing condition of this ditch, which would evidence whether it can sufficiently accept and convey flow.

The applicant has not undertaken appropriate ground investigation to date to support and inform the application and therefore cannot demonstrate that they have fully observed the runoff destination hierarchy in accordance with building regulations. This is important as British Geological Survey data suggests the wider strata is freely draining. It is noted that
ground investigation was undertaken in 2012 but the report does not appear to have been submitted to compliment this application.

A swale is proposed for surface water storage, DCC would prefer the applicant to utilise existing land form to manage surface water cascading mini/sub-catchments to achieve a comprehensive SuDS management train. A maintenance plan is required to demonstrate the maintenance methodology and detailing the organisation that will adopt and maintain the swale throughout the life of the development. Conditions are recommended.

No response has been received in response to the amended scheme; any further comments will be reported directly to the committee.

Arboriculture Officer (Derbyshire Dales)
5.8 No response received

Environmental Health (Derbyshire Dales)
5.9 No objection

Strategic Housing (Derbyshire Dales)
5.10 The affordable housing contribution based on 71 units would be 21 affordable homes (30%). The affordable homes should, at a minimum, achieve the space standards in the government guidance ‘Technical Housing Standards – nationally described space standard’. The homes for wheelchair users will require a higher internal area to meet the increased needs of wheelchair households.

The following mix and tenure is proposed (based on 16 units and taking the remainder as an off-site financial contribution):

2 x 1 bed 2 person houses for social rent – 58m2 plus built in storage of 1.5 metres
6 x 2 bed 4 person M4(3) wheelchair user –4 for social rent, 2 for shared ownership – to ensure sufficient internal area for the increased needs of wheelchair households, 79m2 plus storage of 2 metres
4 x 2 bed 4 person houses – 3 for social rent, 1 for shared ownership - 79 m2 plus built in storage of 2 metres
4 x 3 bed 5 person houses – 3 for social rent, 1 for shared ownership - 93 m2 plus built in storage of 2.5 metres

We very much welcome the proposal to have a tenure blind scheme with the affordable homes on different parts of the site, rather than all in one place. We would ask that the completion of the affordable homes be phased, preferably across 3 phases.

The affordable homes should not have a strict local connection criteria attached, so that they can meet housing need from across the Dales.

Revised comments on the scheme of 47 units will be reported to Committee.

Development Control Archaeologist
5.11 There are no particular archaeological indicators on or near the site and given the negative results from the evaluation of the neighbouring site west of Luke Lane, and the negative results from the geophysical survey of the site I advise that there is no requirements for archaeological work under the policies of the National Planning Policy Framework.
6. REPRESENTATIONS RECEIVED

6.1 A total of 27 representations have been received. A summary of the representations is outlined below:

6.2 Character and Appearance
- Totally out of proportion to the character of the existing village
- This is not the sort of development we want to see in this picturesque area.
- The rural character of the area should be retained
- Harmful to the environment
- Adverse visual impact
- Harmful visual impact on the approach to Brailsford
- The development will result in the village becoming a town
- The design and layout of the houses is urban in character
- This will spoil the character of the landscape in this locality.
- The countryside and villages like brailsford should be protected for future generations.
- The density is too high
- This will significantly change the rural character when approaching the historic Saxon farming village
- Please do not ruin our village
- Large scale estate type development is not appropriate to the village
- Housing should be of a vernacular design with local materials.
- The northern edge of the village is bungalows to limit visual impact and this should be respected
- Development should respect the character of the village and be separated into development blocks of 10 units with different designs for each block.
- Existing development under construction is of a repetitive urban design, this should not be followed.
- Development in the northern half of the site should not be allowed due to landscape impact.
- Brailsford is the gateway to the dales and should be protected as such.
- The site is at the high point of the village and therefore visually prominent.
- Development will be obtrusive across the skyline.
- Cul-de-sacs and terraces are not appropriate.

6.3 Highway Safety
- Such development will further increase traffic problems on Luke Lane, at the medical centre and on Church Lane.
- Additional congestion in and around the village also on the rural lanes.
- The proposed access 6.5m wide almost opposite the new school with minimal splays presenting additional hazard to children crossing the road. The bend from Mercaston Lane is only 80m away. Traffic speeds are likely to be 35mph. HGV’s using the road is known to be 3 times the national average, incidents have already occurred narrowly avoiding injury to children as vehicles come round the bend at speed.
- A number of serious accidents have happened on the A52 in the last few years.
- The additional 100 cars to be generated by the development would increase the risk of more accidents as well as stacking on Luke Lane.
- Traffic at the junction with the A52 is growing daily causing many delays.
- A safer crossing to the village amenities is needed.
- The lay by adjacent to the site is often used for grit in the winter and for parking when the weather is bad.
- Consideration should be given for the cumulative impacts on traffic from other developments also proposed.
- The proposed pick up and drop off point would seem illogical and dangerous.
The vast number of proposed residents will use the private motor car due to poor bus services. Congestion will cause deterioration in air quality. The modified layby is too near the junction of Mercaston Lane. How will the increased number of bins be controlled on collection day. No cycle storage is proposed in the scheme

6.4 Capacity
Brailsford has already had a huge amount of development
Difficult already to obtain an appointment at the medical centre which is at capacity
There are insufficient amenities and services
Brailsford has already has more than its fair share
The school is almost at capacity.
The addition of 160 more residents to the village implies the need for more facilities.

6.5 Draft Local Plan
The draft allocation is for 45 units not 71, therefore 45 should be the maximum.
This is being rushed through contrary to the local plan
Given that there are 9 of the third tier villages, it is totally unacceptable that Brailsford should absorb over 30% of the total new build especially when 5 of the other villages specified have a higher point count and 2 have no allocation at all. This matter will be brought to the attention of the Inspector in due course.
Additional houses could be added to other sites approved elsewhere
This should be delayed until the neighbourhood plan is agreed.
The SHLAA assessment notes the site has a capacity of 47 dwellings, a substantial screen of vegetation should be planted on the northern boundary and hedgerows and trees should be retained. The area has high landscape sensitivity and only 50% of the site is developable, this proposal ignores this.
It would be better to further develop the Gladman site which has a better access and safer route to school
The village is not sustainable enough to be a tier 3 settlement
Brailsford is being swamped by development
This and the other application in Brailsford for a further 35 dwelling should be refused
The site was not fully assessed when originally put forward
The number of dwellings originally envisaged for Brailsford should not be exceeded and if there are to be more on this site the number should be reduced elsewhere.
There are limited opportunities there for paid employment
This application represents a 25% increase in the scale of the village.
The rationale for selecting Brailsford as a third tier settlement is flawed.
Brailsford is getting far more development than other third tier settlements
The proposal is at odds with the recent assessment by DDDC in terms of landscape impact and capacity
Determination would be premature ahead of the local plan allowing development to be a free for all difficult to control.
Proposals should not be determined until the neighbourhood plan is agreed.

6.6 Amenity
Detrimental to the residents who back onto the field
Harmful to the health and wellbeing of the residents
The proposed development will overlook neighbouring dwellings
The gap between existing and proposed dwellings is too tight.
This will cause harm to the amenity of neighbouring residents through overlooking and loss of privacy.
Development should be bungalows to reduce impact.
The new dwellings will cause overshadowing of dwellings and garden areas
Would urge the Council to consider the human rights of residents in terms of right of peaceful enjoyment of property and a right of privacy. This is a departure from the local plan and therefore should be refused. There will be light pollution in a dark sky area, the Flamsted Observatory is located on North Lane and requires dark sky.

6.7 Ecology
The oak trees on site and woodland is a visual amenity that will be lost. There are bats on the Throstle Nest Plantation, their habitat is therefore under threat. Detrimental impact upon wildlife in the area. Increase in night light pollution which will adversely affect the character of the village and wildlife. Adverse impact upon newts, hedgehogs, owls and other birds, butterflies and bats as well as flora including bluebells. Trees should not be adversely impacted upon, with dwellings distanced away from these so the roots can be protected.

6.8 Drainage
Surface water flooding occurs to neighbouring properties and this will worsen with this development. Water supplies already suffer a loss of pressure and supply. Blocking of the foul water sewer has also occurred. Severn Trent collects large quantities of effluent every 3 months in large tankers so this is already at capacity. What action will be taken regarding drainage and sewerage, the village could be left with a disaster. What impact will the further drainage issues have on the stability of neighbouring properties? The plan for a pumping station will create additional noise and odour. There is not sufficient drainage capacity or sewerage to deal with this development. No confirmation of capacity has been received from Severn Trent Water. The drainage proposal to pump water into the stream is preposterous. Impermeable surfaces will vastly increase run-off rates. If larger sewers are needed this should be clarified now as this may have serious consequences for the development.

6.9 Other
The new dwellings being built are difficult to sell, this shows a lack of demand for such housing. Houses should be built on brownfield land not on green fields. Loss of green belt Noise Should be sensitive and sustainable development The strong sense of community would be destroyed The village hall is too small and in need of repair Development should be sustainable This is opportunistic development A play area is proposed next to the swale which is a health and safety risk. Loss of grade A agricultural land A new village hall should be provided for the community through this development. Beyond the settlement boundary and therefore away from the nucleus of the village The development will bring anti-social behaviour through the proposed recreational facilities. New footpaths will bring forward issues of security and privacy, if pursued a 6 foot high fence should be provided for existing residents. Insufficient community benefits to be provided such as a small supermarket.
All applications for development should be considered holistically. The entire community objects to this development. Provision should be made to improve the existing play area. The application submission shows a lack of understanding of the locality. The provision of the community car park is laughable being too small and a visitor car park for the development – a new medical facility would be better. Whilst it is understood more housing is needed this development is a step too far. This would take away the simple farming way of life which is beneficial to all.

7. OFFICER APPRAISAL

Planning policy

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

It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). However, based on new analysis of development that will come forward in the next five years it is considered that the Council can now 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 emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it cannot be afforded any significant 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 is 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.

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.

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:

1. The sustainability of Brailsford as a third tier settlement
2. Prematurity of decision making due to the absence of local plan policies
3. Landscape impacts
4. Highway safety
5. Residential amenity and loss of dark sky and impact of footpaths
6. Land drainage and sewerage capacity
7. Impacts upon ecology
8. Character and appearance
9. Developer contributions
10. Housing mix
11. Loss of high quality agricultural land
The sustainability of Brailsford as a third tier settlement

7.1 Through the emerging draft local plan assessment of the sustainability of various settlements throughout the district has been carried out. In this assessment, it has been concluded that the most sustainable locations within the district for growth are the market towns. However, these market towns will not be able to absorb all of the required housing development. Therefore, the settlement hierarchy work also included an assessment of the smaller settlements as to their capacity for growth and their sustainability given the existing services and facilities that are provided. In this case, Brailsford, as one of the larger villages, has numerous services and facilities including a school, doctors surgery, shops and village hall and regular bus service. Consequently, it is one of the more sustainable settlements and as such, has been categorised a third tier settlement where growth can be accommodated. In parallel with this application, the site has in fact been allocated within the draft local plan as a site for the development of 47 dwellings (allocation HC2 (g)). 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. Brailsford as one of the larger villages has capacity for growth. Even where this utilises green fields, at an appropriate scale, it can be considered sustainable.

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. The reduction of this scheme to 47 units is considered to address concerns in this regard and strike an appropriate 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

7.2 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’.

7.3 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’.

7.4 Taking full account of this guidance and given the early 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.
Landscape Impacts

7.5 The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 identified the northern surrounds of the village as being highly sensitive in landscape terms. Therefore the development of the whole field as originally submitted would not be considered acceptable in landscape terms. As a consequence through the application process the developable area of the site has been reduced twice leaving an open field to the north of the site with additional planting to the east and to the north of the proposed housing and with the retention of a hedgerow to the majority of the site frontage. These amendments to the proposed scheme have brought it back into line with the draft allocation and have reduced significantly the landscape impact of the proposal such that it is now considered that with appropriate landscaping mitigation the development of the site can be carried out as an appropriate expansion of the settlement without causing significant harm to landscape character and appearance and settlement setting. As the proposal is for outline planning permission the details of landscaping of the site will be submitted as part of any reserved matters application. However, a condition would be required on this application to ensure that the landscaped buffer and the developable area of the site are suitably controlled.

Highway Safety

7.6 Significant concerns have been raised regarding the congestion within the village and the impact the development will have in terms of increasing congestion, causing harm to highway safety close to the school crossing and visibility. Consideration of the siting of the access is being sought at this outline stage. The Local Highway Authority has considered the proposal in detail and has not raised any significant concerns in terms of highway safety. Through the application process the community car park has been removed along with the lay-by. The Highway Authority have requested that conditions be imposed but have no objection in principle to the proposal development and the access in the location shown. In this respect subject to the stringent highway conditions the proposed development is considered to be acceptable in terms of highway safety.

Residential amenity and loss of dark sky and impact of footpaths

7.7 Concern has been raised that the proposed development will adversely impact on existing residents in terms of loss of light, overshadowing, loss of privacy and overlooking and that the proposed development will lead to a loss of the dark sky area and that the introduction of footpath links will adversely affect the privacy of existing residents.

7.8 In response to these concerns it should be noted that this application is in outline only and that the detail of any proposal will be subject to stringent assessment through a reserved matters application. It is considered that the site can accommodate development without undue harm to residential amenity. In regard to the issue of dark skies it is not considered that the proposed development will have a significant adverse impact upon dark skies over and above the existing development in Brailsford. It is considered that the site can be developed without causing undue harm to residential amenity and that it should be noted that submitted plan is indicative only.

Land drainage and sewerage capacity

7.9 Concern has been raised that there is insufficient capacity within the existing drainage and sewerage of the area to accommodate any further development and that such development will likely cause an adverse impact upon surface water flooding.

7.10 With the application detail has been provided regarding a drainage strategy for the site and flood risk assessment. It is considered that the site is not at risk from flooding and that
subject to the design if a suitable sustainable drainage system the proposed development 
will not cause an adverse impact upon surface water flooding. The flood team at DCC has 
considered the submitted information and have recommended a number of conditions. In 
this respect the potential for flooding from the site can be appropriately mitigated through 
these suggested conditions.

7.11 Concern has also been raised regarding the sewerage capacity at the site and within the 
smaller village. Discussions the developer has had with Severn Trent water confirm that the 
existing water supply network will require off site works. Furthermore the existing foul 
water sewer network will require assessment to ascertain the potential impact the 
development poses on the existing downstream network. Further consultation will occur 
with the statutory undertakers once a detailed scheme is proposed to confirm the 
availability and cost of strategic services supplies to serve the development including any 
localised reinforcements that are required. It is therefore considered that the issue of 
surface water drainage can be adequately dealt with via condition through negotiation with 
the County flood team. The work needed to ensure adequate water supply and foul 
drainage will be carried out through negotiation with Severn Trent as statutory undertaker 
and therefore does not need to be resolved through this planning process.

In this regard the issue of land drainage and sewer capacity is considered to be 
acceptable and resolvable through the reserved matters, conditional information and 
through separate agreement with statutory undertakers.

*Impacts upon ecology*

7.12 In terms of ecology significant survey work has been undertaken to assess the impacts of 
this development upon wildlife and habitats. These surveys and reports have been fully 
assessed by Derbyshire Wildlife Trust who give independent ecological advice on such 
matters to the Local Planning Authority.

7.13 Although no great crested newts were recorded on site DNA testing indicated their former 
presence in ponds 3 and 4 located to the west of the site. The report considered that 
because the site provides sub-optimal habitat for great crested newts (the field) and the 
optimal habitat (hedgerows and woodland) is to be retained that the development could be 
undertaken under a non-licensable method statement. DWT would support this approach. 
The site layout has ensured that hedgerows are not within residential gardens and are 
instead appropriate for management in the future. More detail of the landscaping of the 
site will be submitted as a reserved matter. This is welcomed. It should also be considered 
that the northern part of the site will be left undeveloped and that this will provide a wildlife 
corridor. It is considered that subject to conditions the site can be developed without 
causing harm to protected species and habitat.

*Character and appearance*

7.14 At this outline stage the detail of the scheme is not to be considered. Concern has been 
rise that the development should have the finished appearance of village development 
and should not be suburban design. These comments are noted. The revised developable 
area whilst introducing a more dense development will assist in providing development 
more typical of villages which tend to be more dense rather than suburban development 
which is more sporadic. Whilst the detail of the design is not to be considered at this stage 
it is reasonable to conclude that the development of the site can take place in such a way 
that it is reflective of the prevailing character and appearance of the area and this would be 
fully assessed in any reserved matters application.
Developer contributions

7.15 In this case the applicant was proposing to provide 30% affordable housing on site. The Council’s strategic housing team have considered this and have requested specific housing types to be provided but only require 22.5% to be provided on site and would like the rest of the provision to be provided as an off-site contribution for affordable housing elsewhere in the district. In this regard the draft local plan in policy HC4 requires at least 30% affordable housing to be on-site. Given that as yet there is no community infrastructure levy in place and that some of the contribution will be an off-site payment it is considered reasonable to expect a 45% contribution from this large greenfield site at this moment in time. With 22.5% being provided on-site and 22.5% being provided as an off-site contribution the provision of affordable housing in this case is considered to be acceptable and the applicant has confirmed agreement to this.

7.16 The scheme has been further reduced immediately prior to the finalising of this report. As a consequence on a reduced scheme of 47 units the affordable housing will also be reduced. An update will, therefore, be provided to the Committee meeting.

7.17 Space has been provided on the indicative site plan for open space and a play area. The detail of this will be provided through the reserved matters application along with details of the long term maintenance and management of this. The provision of on-site open space in this case is considered to be acceptable as the play area at The Plain will already be upgraded through other S106 payments previously sought.

7.18 The strategic planning policy team at DCC have required £188,937.87 towards the provision of 11 secondary places and £74,511.60 towards the provision of 4 post-16 places. The developer has agreed to make this contribution on the basis of the 71 unit scheme but it will clearly be necessary to recalculate these figures and update Committee based on the revised scheme of 47 units.

7.19 A contribution of £2500 is required for the Highway Authority to work with the developer regarding the ongoing work on the Travel Plan.

7.20 A S106 legal agreement will be required to ensure the provision of the on-site and off-site affordable housing, the school provision and the highway contribution for the travel plan.

Housing mix

7.20 The housing mix put forward initially by the applicant is as follows:

<table>
<thead>
<tr>
<th>The market housing mix:</th>
<th>The affordable housing mix:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21% 10 no. 2 bed dwellings</td>
<td>17% 4 no. 1 bed dwellings</td>
</tr>
<tr>
<td>46% 22 no. 3 bed dwellings</td>
<td>39% 9 no. 2 bed dwellings</td>
</tr>
<tr>
<td>33% 16 no. 4 bed dwellings</td>
<td>35% 8 no. 3 bed dwellings</td>
</tr>
<tr>
<td></td>
<td>9% 2 no. 4 bed dwellings</td>
</tr>
</tbody>
</table>

This will clearly need to be updated based on the reduced scheme of 47 units.

7.21 The submitted affordable housing mix does not meet the needs required in this locality. The requirement has been defined by the Council’s housing team. The mix of affordable housing to be provided on site will need to meet the requirements requested by the housing team. This mixed provision of affordable housing can be finalised at the reserved matters stage.
7.22 The market housing mix proposed falls short of the requirement of housing mix as defined by policy HC10 of the draft local plan. However the application at this stage is outline only and therefore the housing mix will be defined at the reserved matters stage. In this respect it is appropriate to add a footnote to any permission advising the applicant of the expectation in regard to housing mix in accordance with the evidence base demonstrated through policy HC10.

Loss of high quality agricultural land

7.23 In accordance with the submitted details the land is categorised as grade 3b which is moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops (1988 Agricultural land classification guidelines), it should be noted that land 1, 2, and 3a are the best types of agricultural land classification as defined in the NPPG.

7.24 The National Planning Policy Framework in paragraph 112 requires that: Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. This advice is also in line with Adopted Local Plan Policy SF6 which also seeks to protect the best and most versatile agricultural land.

7.25 Given that the classification in this case based on borehole testing and analysis is grade 3b it is not considered that the quality of the agricultural land in this case should restrict the development of this site.

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 will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The benefits of providing new housing to meet the districts housing needs outside of settlements and on land not benefiting from draft housing allocation can therefore only be attributed limited weight. It is, however, important to weigh this alongside the other 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 housing to meet the needs of the district including affordable housing provision in a sustainable location within close proximity to the services and facilities provided within the village of Brailsford.

7.31 The economic role would be served by employment generated during construction as detailed in the submitted Economic Benefits Statement and the benefits to businesses within the village and the wider area from additional resident spend adding to the vitality and viability of existing services.

7.32 In terms of the environmental role the revision of the scheme to accord with the allocation and leave a green field to the northern portion of the site will ensure that landscape character is protected in the long term with appropriate additional planting to mitigate any harm.

7.33 Brailsford is 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 Brailsford many journeys will need to be made by the private motor car. Brailsford, whilst suitable for some expansion, is not an appropriate location for unrestrained housing expansion which would be unsustainable and detrimental to the setting of the settlement. The Local Plan allocations process has indicated substantial housing growth. Going beyond this was not deemed sustainable or justifiable in landscape terms. In its reduced form, in line with the draft allocation, the provision of 47 dwellings 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 which would warrant refusal of planning permission in this case.

8. RECOMMENDATION
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%, contribution towards school places to meet identified County Council requirements and payment of £2,500 to the Highway Authority for continued work with the developer regarding the travel plan and subject to conditions covering the following matters:

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

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

The development shall thereafter be implemented in accordance with the approved details.
3. The developable area of the site shall be as defined on plan no. BIR.5091_6_1C proposed indicative master plan received 18.08.16

4. Along with the submission of the reserved matters application the following shall be submitted: detailed plans of a landscaped buffer to the northern boundary of the developable area and further planting to the eastern boundary to supplement the existing planting.

5. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

6. Prior to the commencement of development a detailed lighting strategy to limit the impact upon wildlife habitat shall be submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.

7. Prior to the commencement of development a detailed great crested newt method statement shall be submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.

8. Prior to the commencement of development an ecological mitigation, enhancement and management strategy shall be submitted to and approved in writing by the LPA. Such approved measures shall be implemented in full and maintained thereafter.

9. No development shall take place until a detailed design and associated management and maintenance of 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.

10. 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.

11. No development shall take place until a reasonable assessment is undertaken of the existing ordinary watercourse within the curtilage of the developable zone, identified to be the point of surface water discharge.

12. Condition LA15a: Submission of a landscape management plan after ‘long term design objectives’ add in… ‘and biodiversity enhancements’

13. Prior to the commencement of development a scheme for the provision of affordable housing on site, its transfer to a registered social landlord and future management shall be submitted to be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully complied with.

14. Condition LA12a: after c) insert ‘including details of root protection areas to all trees and hedgerows (to BS 5837 standards) to be retained’

15. Condition LA13a: Landscaping to be carried out
16. The reserved matters submission shall incorporate a scheme for the layout and future maintenance of open space and play equipment to be provided on the site. This facility shall be laid out, managed and maintained in accordance with the approved details.

17. Highway conditions are to be confirmed

Reasons:

1. This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. To defined the developable area of the site to protect landscape character in accordance with Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

4. In order to provide appropriate mitigation to protect landscape character in accordance with Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5-8 To ensure the protection of species and habitat in accordance with Policy NBE5 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

9. 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.

10. To ensure that surface water from the development is directed towards the most appropriate water body in terms of flood risk and practically 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 reasonable practicable in the following hierarchy:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain or other drainage system
4. to a combined sewer.

11. To ensure the proposed surface water runoff can be appropriately discharged from the site.

12. Reason LA15: in accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

13. To ensure appropriate provision of affordable housing in accordance with guidance contained within the National Planning Policy Framework.

14. Reason LA12a: In accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

15. Reason LA13a: In accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
16. To ensure the appropriate provision of open space and play equipment on the site in accordance with the requirements of Policy L6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

17. Highway reasons are to be confirmed

NOTES TO APPLICANT:

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

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. The provision of affordable housing as detailed through the reserved matters application shall include the following type and tenure:

   - 2 x 1 bed 2 person houses for social rent – 58m2 plus built in storage of 1.5 metres
   - 6 x 2 bed 4 person M4(3) wheelchair user – 4 for social rent, 2 for shared ownership – to ensure sufficient internal area for the increased needs of wheelchair households, 79m2 plus storage of 2 metres
   - 4 x 2 bed 4 person houses – 3 for social rent, 1 for shared ownership - 79 m2 plus built in storage of 2 metres
   - 4 x 3 bed 5 person houses – 3 for social rent, 1 for shared ownership - 93 m2 plus built in storage of 2.5 metres

   We very much welcome the proposal to have a tenure blind scheme with the affordable homes on different parts of the site, rather than all in one place. We would ask that the completion of the affordable homes be phased, preferably across 3 phases.

   The affordable homes should not have a strict local connection criteria attached, so that they can meet housing need from across the Dales.

4. The developer should make separate enquiries with broadband providers and ensures that future occupants have access to sustainable communications infrastructure, giving appropriate thought to the choice and availability of providers which can offer high speed data connections. More information on how to incorporate broadband services as part of the design of new development is available by following the link below: https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders

5. It is anticipated that as part of the reserved matters the following mix of market housing will be proposed in accordance with policy HC10 of the Draft Local Plan:

   - 1 bed – 5%
   - 2 bed - 40%
   - 3 bed – 50%
   - 4+bed – 5%
6. 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 complete.

7. Any works in or nearby an ordinary watercourse may require 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@derbsyhire.gov.uk

8. Appropriate provision of access to maintain any attenuation feature shall be provided the CIRIA SuDS Manual recommends a safety bench and maintenance access distance of more than 3.5m for attenuation features.

9. The applicant should demonstrate, to the satisfaction to the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with tale 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatments 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.

10. Footnote NFA 8

11. This decision notice relates to the following documents:
   Amended master plan no. BIR 5091_6_1C received 18.08.16
   Landscape and visual impact assessment received 22.06.16
   Topographical survey no. 23118_T received 22.06.16
   Ecological mitigation strategy received 01.07.16
   Site location plan no. BIR 5091_7_1A received 22.06.16
   Planning statement received 22.06.16
   Statement of community engagement received 22.06.16
   Sustainability statement received 22.06.16
   Economic benefits statement received 22.06.16
   Agricultural land classification received 22.06.16
   Ecological appraisal received 22.06.16
   Great crested newt survey report received 22.06.16
   Hedgerow and survey assessment received 22.06.16
   Archaeological desk based assessment received 22.06.16
   Geophysical survey report received 22.06.16
   Geological desk study report received 22.06.16
   Transport assessment received 22.06.16
   Travel plan received 22.06.16
   Flood risk assessment received 22.06.16
   Sustainable drainage statement received 22.06.16
   Transport and infrastructure received 22.06.16
   Arboricultural advice received 22.06.16
   Design and access statement received 22.06.16

N.B. Highway footnotes are to be confirmed

BACK TO AGENDA
### APPLICATION NUMBER
16/00309/REM

### SITE ADDRESS:
Land South of Leys Farm, Wyaston Road, Ashbourne

### DESCRIPTION OF DEVELOPMENT
Residential Development – Reserved Matters Application for the Erection of 103 Dwellings (Outline Permission 15/00319/OUT)

### CASE OFFICER
Mr Chris Whitmore

### APPLICANT
Mr Robert Hannan

### PARISH
Ashbourne

### AGENT
None

### WARD MEMBER(S)
Cllrs. Donnelley and Chell

### DETERMINATION TARGET
29th July 2016

### REASON FOR DETERMINATION BY COMMITTEE
Major application

### REASON FOR SITE VISIT (IF APPLICABLE)
At the request of Officers to allow Members to fully assess the impact of the development on the local environment and the residential amenity of the occupants of existing dwellings

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

### RECOMMENDATION
Approve with conditions
Land South of Leys Farm, Wyaston Road, Ashbourne
1. THE SITE AND SURROUNDINGS

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

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

2.1 This application seeks approval of all matters which were reserved in respect of outline application 15/00319/OUT, including access, appearance, landscaping, layout and scale.

2.2 The application proposes a residential development of 103 dwellings and associated infrastructure, including wildlife and ecological corridors, green infrastructure, areas of public open space, a SuDs balancing facility, sustainable travel links, biodiversity enhancements and the provision of on-site affordable housing.

2.3 The main area of new residential development is shown at the northern end of the site, where the land is at its highest and most level. The development will be served off a new sweeping access, which will cross through the site from east to west off Wyaston Road, approximately 50m to the south of the Oak Crescent road junction. An amended layout plan has been submitted, which shows a series of 10 detached red brick dwellings along the Wyaston Road frontage, which will be serviced by private drives either side of the main access road. A further private drive serving four dwellings to the south is shown. This enables a new hedgerow to be planted along Wyaston Road with only four breaks necessary to accommodate the respective access roads and reducing the amount of secondary roads behind. Beyond the dwellings fronting Wyaston Road are a series of smaller detached and semi-detached open market and affordable dwellings. Beyond these dwellings a swathe of open space containing a number of existing mature trees and land designated as a Local Area of Play is shown. Residential development continues to the west of this area on either side of the main access road. Dwellings to the south of the access road are mainly detached and benefit from open views across rolling countryside. On the northern side of the access road properties are mainly semi-detached. At the western end of the site development is less dense. Large detached dwellings which sit in large plots are shown in this area.

2.4 The applicant advises with regard to layout that in broad terms the street network is based around an irregular pattern of development blocks. They advise that houses at the western edge of the development have been positioned to face out over the countryside to capitalise on panoramic views to the south and that a distorted grid layout has been adopted so that the development is easy to navigate.

2.5 A total of 19 property types are shown across the development site. Careful consideration of the house types and layout of the various properties has been given and amended perspective drawings prepared which present stronger streetscenes at important viewpoints across the site, including across areas of open space, the southern edge of the site and along Wyaston Road.

2.6 The applicant advises with regard to design that although much of the local context around the site has been developed during the latter half of the twentieth century, the historic core of the town is distinctive. They point to the growth of the historic core and existing development being quite varied, but there being some traditional design cues in terms of plan form and materials. Considering the development that immediately surrounds the site, it is considered that this follows a later twentieth century design and predominantly post war layout. Specific reference is made to the Shires estate and the site of the former Queens Elizabeth School buildings, which was constructed towards the end of the century and into the early part of the 21st Century, with the predominant use of traditional elevational design detailing, integral garage house types and use of red brick and concrete interlocking roof tiles. Dealing with the design of the houses to be erected on site, the applicant advises that they will mix both historic and current styles using variances of both detached garage house types within houses featuring integral garages, a good use of traditional, high quality red facing bricks but also a high level of rendering and external
timber work detailing to compliment the edge of countryside living and the cottage styles that prevail in the area.

2.7 A comprehensive scheme of soft landscaping has been prepared, which proposes corridors of green space permeating the development and a substantial area of open space that can be used for informal recreation and children’s play. Existing field boundary hedgerows, hedgerow tree and other trees (including the protected trees along the northern boundary) are shown to be retained and the southern boundary is shown to be strongly planted with trees in association with elements of the sustainable urban drainage system (SUDS) which includes balancing ponds linked by a stream / swale.

2.8 The application is accompanied by a Design and Access Statement, an amended detailed site layout plan, site location plan, amended house and garage type elevations and floor layout drawings, amended streetscene drawings and a comprehensive landscaping scheme / drawings (which has been reconsidered in light of comments made by the District Councils Landscape Officer. All of these documents / drawings have been retained on the public file for examination and comment and circulated to consultees.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The Development Plan

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

**Adopted Derbyshire Dales Local Plan (DDLP)**
- **SF4**: Development in the Countryside
- **SF5**: Design and Appearance of Development
- **SF6**: Protection of the Best Agricultural Land
- **SF7**: Waste Management and Recycling
- **SF8**: Catering for the Needs of People with Disabilities in Development and Redevelopment
- **H4**: Housing Development Outside of Settlement Framework Boundaries
- **H9**: Design and Appearance of New Housing
- **H12**: Alternative Provision for Affordable Housing Outside Settlement Frameworks
- **NBE5**: Development Affecting Species Protected by Law or are Nationally Rare
- **NBE6**: Trees and Woodlands
- **NBE7**: Features Important in the Landscape
- **NBE8**: Landscape Character
- **NBE12**: Foul Sewage
- **NBE16**: Development Affecting a Listed Building
- **NBE24**: Archaeological Sites and Heritage Features
- **NBE26**: Landscape Design in Association with New Development
- **NBE27**: Crime Prevention
- **TR1**: Access Requirements and the Impact of New Development
- **TR2**: Travel Plans
- **TR3**: Provision for Public Transport
- **TR8**: Parking Requirements for New Development
- **L6**: Outdoor Playing and Play Space in New Housing Developments

3.2 Other

- **National Planning Policy Framework (2012)**
- **National Planning Practice Guidance (2014)**
- **Draft Derbyshire Dales Local Plan**
  - Policy S3: Settlement Hierarchy
  - Policy HC4: Affordable Housing
Policy HC10: Housing Mix and Type
Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc.) Regulations 1994
Derbyshire Dales District Council Supplementary Planning Documents
- Landscape Character and Design (2007)
- Affordable Housing (2006)

4. RELEVANT PLANNING HISTORY

4.1 15/00319/OUT - Residential development of up to 115 dwellings with associated public open space (Outline) – Granted

4.2 14/00354/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Refused

4.3 14/00183/OUT - Residential development of up to 145 dwellings with associated public open space (outline) – Withdrawn

5. CONSULTATION RESPONSES

5.1 Ashbourne Town Council:

Object. Comment there is no evidence to justify the applicant’s claim in the Design and Access Statement that the choice of housing meets the needs of the local area, as housing needs assessment has not been carried out by the applicant. The Town Council advise that Ashbourne Neighbourhood Plan Group have commissioned a Housing Needs Assessment for Ashbourne, and members feel that this should be used to define the housing provided on this application. The Town Council also question if the Highways Authority’s comments were addressed from the previous outline planning application.

In addition to making the above comments the Town Council have also carried out a Building for Life Assessment of the development, which concludes the following:

- The proposed scheme does not reinforce existing connections or indeed create new ones that would have any significant impact on adjacent land uses that make up the immediate urban settlement in this part of Ashbourne.

- There is no definitive cycle link proposed that connects with other existing or proposed cycle routes in Ashbourne which is disappointing given the need to promote sustainable development in Ashbourne. In any event the proposed site is over 800 metres to the nearest community service and shops in Ashbourne town centre and it is simply not viable for the applicant to claim in the Design and Access statement that the proposed ‘pedestrian and cycle’ route will provide good access to the town centre

- The development is over 800 metres from the nearest community services in the town centre, St Oswald’s Hospital and GP practices, and some 1 km to the core retail centre of Ashbourne. Given the topography of this part of Ashbourne it will mean that residents of the proposed development are more likely to travel by private car than walk or cycle given the steep hill south to north into the town centre.

- While the proposed development is relatively close to Hilltop Infant School no evidence has been presented in the application that Hilltop will be able to cope with additional demand for school places given the other developments that have been granted planning permission in the south of Ashbourne that have relied on Hilltop school being able to provide education for children from these development schemes.
• Queen Elizabeth Grammar School is some 1.5km from the development site and cannot be reasonably assumed, as the Design and Access statement does, that it is within walking distance for most children given the hilly topography of this part of south Ashbourne.

• There is one hourly bus service that has a bus stop along Wyaston Road. There are no additional other bus services serving the proposed site as the Design and Access claims.

• The proposed development is clearly dependent on residents' use of private car to effectively access existing shops and other community services such as GP practices and schools. The proposed development will do nothing to reduce car dependency or promote sustainable development.

• As a result of the private car transport dependency, the previously quiet estate roads in the Hilltop area will become more and more congested and dangerous for pedestrians and children. All traffic from Hilltop area must use the same route to Ashbourne Centre and Derby, both of which involve using Old Derby Road. This critical issue and many other highway issues related to the scheme were identified in Derbyshire County Council's comments, as Highway Authority, in their response on the outline planning application 2 July 2015. These issues raised by the Highway Authority have not been adequately addressed in the current reserved matters planning application.

• No evidence has been provided by either the applicant or Derbyshire Dales District Council that the proposed housing will meet local need and aspirations of the local community as the Design and Access statement claims.

• The applicant has not undertaken a local Housing Needs Assessment. Neither has DDDC. Ashbourne Neighbourhood Plan Group has commissioned an Ashbourne Housing Needs Assessment (AHNA) for the evolving Neighbourhood Plan. The initial AHNA report will be produced mid-June. Until this report is agreed by Ashbourne Town Council no decision should be made on the housing mix of the proposed development.

• The proposed layout is uninspiring with an over concentration on maximising views to the west and south-west of the site. The western boundary needs a convincing landscape barrier and strategy to ensure that views of this part of Ashbourne from the west does not convey urban sprawl. The layout is very traditional and is not inspiring.

• More work is required to ensure that proposed trees do not prejudice existing housing adjacent to the proposed development.

The Town Council also comment that the proposed layout appears to have routes that go nowhere, it is unclear who will manage and maintain the public open spaces and that there is no bin collection areas shown for plots 98-103.

5.2 Derbyshire County Council (Highways):

Initial response:

Note that whilst widening of Wyaston Road has been shown and suitable emerging visibility splays indicated from the proposed new estate street junction, no details of measures to assist pedestrians crossing Wyaston Road have been included.
They also advised that the extent of the proposed new footway to the south of the new estate street junction can be shortened to around 40m given that it will not link up to anything and is unlikely to in the future.

The Local Highway Authority advised that it will be necessary for a swept path analysis to be provided to demonstrate that a refuse vehicle, typically used in this area, can easily manoeuvre within the turning heads without overrunning the footways.

The following comments are also made in relation to the layout of the houses:

- There is no bin collection area shown on the shared private driveway serving plot numbers 98 to 103, whereas this should be provided.

- The shared private driveway serving plot numbers 18 to 21 is located very close to the proposed new estate street junction, which limits visibility of vehicles turning left into the new estate street junction from the south. However, slightly relocating the proposed bin collection area and ensuring that any boundary treatment in the near vicinity of the junction is kept to a maximum height of 1m, a minimum 17m emerging visibility splay from the shared access is achievable.

- There should be at least a 6m wide aisle behind parking spaces to ensure that vehicles can easily manoeuvre into and out of each space. A number of parking spaces off shared private driveways are shown with less than 6m behind the spaces and the shared private driveways should therefore be widened to resolve this issue.

- Parking spaces should measure 2.4m x 5.5m whereas the majority of spaces appear to be only 5m long. Where parking spaces are shown at less than 5.5m in length these should be increased in length.

- The footway adjacent to plot number 45 will require slightly widening to ensure that a 2.4m x 33m emerging visibility splay from the adjacent road junction is within the adoptable footway.

- The boundary treatment between the driveway to plot number 96 and the shared private driveway serving plot numbers 89 to 95 will need to be a maximum height of 1m so as not to create an issue with intervisibility between the 2 driveways. It appears from the submitted layout drawing that there will be a hedge forming the boundary but no details relating to its height appear to have been included.

The applicant prepared a revised site layout plan to address the above points / concerns and further comments were sought from the Local Highway Authority.

Second response:

The majority of issues raised in my previous letter dated 7 June 2016 have now been addressed as part of the revised drawing. Although no pedestrian crossing facilities have been shown across Wyaston Road, this can be dealt with as part of the County Council’s separate technical approval if the application is approved.

There are still a few shared private driveways where there is less than a 6m wide aisle behind parking spaces, although this is unlikely to have any significant effect on the adoptable/existing highway.

If the Local Planning Authority are minded to grant permission a series of conditions and advisory footnotes are recommended (some of which duplicate those imposed in respect of the outline permission).
5.3 Derbyshire County Council (Land Drainage)

After reviewing the site layout plan submitted for 16/00309/REM it appears to contrast the site layout plan submitted for the 15/00319/OUT application.

The layout plan submitted for the outline application (Ref: 14016) illustrates four online surface water storage features with ancillary flow regulating devices. The revised layout plan (Ref: J088/0100/02) appears to illustrate a reduction in the number of online storage features. It should be noted that no further calculations have been submitted to demonstrate that the revised surface water storage provision is sufficient to attenuate surface water in accordance with S2 of the non-statutory technical standards for SuDS. This may ultimately affect the size and siting of the regional storage feature.

The application hasn’t submitted any information confirming the revised layout, with the reduced number of online storage features, can achieve a management train and ensures the surface water receives the required level of treatment stages prior to disposal off site. Furthermore, the reduction in upstream storage could limit surface water infiltration and may lead to surface water being conveyed through the catchment at a faster rate and overwhelming downstream storage features.

The flood risk team have no objections in principle to this reserved matters application, subject to the above notes being considered at the detailed design stage.

5.4 Derbyshire County Council (Strategic Planning)

Previously advised that the development of 115 dwellings would generate a demand for an additional 23 primary, 17 secondary and 7 post-16 pupil places.

On the basis that the primary school did not have the capacity to accommodate the anticipated increase in pupil numbers a contribution of £216,581 towards the provision of 19 primary school places was sought. A contribution towards infant and junior school places has been secured by Section 106 agreement, which accompanies the outline permission and enables a pro rata payment to be made for any smaller number of children (on the basis that 10 dwellings generate 2 infant or junior school places).

5.5 Environment Agency

Do not wish to comment.

5.6 Derbyshire Wildlife Trust

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

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

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

iii. A landscape and ecological management plan shall be submitted agreed and implemented.
5.7 **Head of Housing (Derbyshire Dales District Council)**

In respect of outline application 15/00319/OUT sought 45% provision of affordable housing overall but accepted that a split of 25% provision on site and 20% off site may be the best way forward.

It was requested that the provision be spread through the phases of the development.

60% of the on-site provision should be targeted at the elderly and people with disabilities and be in the form of bungalows built to life time homes standard 20% of on-site provision should be bungalows built to a wheelchair design standard.

The final 20% of on-site provision shall be split between 2 and 3 bedroom houses.

The homes should be secure by design and achieve code level 3 for sustainable homes.

The tenure split should comprise 30% shared ownership, 70% affordable rent.

Have commented in respect of this application (having reflected on the provision of affordable bungalows on a nearby site and the location of the site from the town centre) that they would prefer to see the provision of affordable housing in three phases or 6 or 7 no. two bedroomed, four person homes and 2 no. three bedroomed five person homes (totalling 26 units).

5.8 **Principal Environmental Health Officer (Derbyshire Dales District Council)**

No objections.

5.9 **Landscape Design Officer (Derbyshire Dales District Council)**

Notwithstanding the principles connected with the suitability of the site for development expressed within the original assessment the application recognises the opportunities identified within it (insofar as they are relevant) and takes advantage of them, namely:

- Protected trees are retained
- Field boundary hedgerows are retained
- Other hedgerows, hedgerow trees and other trees are retained
- Pedestrian links through the site and connecting with other paths in the east and west are shown
- The southern boundary (rather than the boundary with the A52) is shown as strongly planted (though some of this is shown outside the red edge).

In addition substantial areas of open space are included, though the sloping nature of the ground limits its use for informal recreation and there is considerable scope for additional planting throughout the site.

I remain concerned with regard to the likely overall impact of the development on landscape character on this side of the town, visual amenity in views from the south and settlement pattern. However, the current proposals do offer considerable opportunity for that impact to be mitigated.

Drawing numbered J088/100/02 A includes few landscape proposals. The developer should return to the principles illustrated in dwg no. EM1736/001/REV E Masterplan (see above).
It is clear from photograph A (included as part of the Masterplan) that the landscape in the vicinity of the site is characterised by “stripes” of trees and other vegetation that follow the contours, the high ridgeline and the line of the by-pass. A similar “stripe” should be established on the southern boundary of the site and include new field boundary hedges areas of woodland/ copse and linear groups of trees.

Another “stripe” should be created in association with the main spine road using avenue and street trees, effectively re-instating the concept of the “green corridor” proposed at outline application stage.

The area of open space extending along the southern edge and through the central eastern area of the site is extensive enough to offer the opportunity for creating a strong green infrastructure. This should include a variety of spaces and wildlife habitats with different uses and characters including general amenity open space, parkland, meadowland, wetland, woodland, hedgerow and areas for natural and more formal play. These spaces should all be linked with pathways that extend out beyond the confines of the site and are manageable by all users.

A well landscaped frontage to Wyaston Lane must be established being based on existing landscape elements such as roadside hedges and trees. In plot landscaping should include extensive tree planting within front and back gardens as well as areas of shrub and dwarf hedgerow planting to define defensible space, and in association with roadside railings.

Trees protected by Tree Preservation Order must be retained. Proposed dwellings must be sufficiently offset from them in order to ensure their long-term survival and remove the possibility that they might cause nuisance to new residents.

The balancing pond in the south western corner of the site should be created in general accordance with the section shown on the Masterplan. Steep sided embankments that do not grade smoothly into the surroundings will not be acceptable.

6. REPRESENTATIONS RECEIVED

6.1 A total of 15 representations have been received from local residents. All of the representations received object to the proposed development.

The points raised by the 15 contributors, objecting to the proposed development can be summarised as follows:

*Principle*

- The development would result in the loss of greenfields, when there is a brownfield site already identified and under consideration.
- I cannot see any reason to permit development on this greenfield site when there is a brownfield site on the former airfield.
- Sufficient planning permissions have already been granted for housing development in Ashbourne and the proposed addition of an extra 103 houses in this development is unnecessary.
- Ashbourne has a preferred site with enough allocated land for future developments (The Airfield) with easy access to the A52 without adding to already congested areas.
Housing Mix

- The housing mix does not appear to have followed recommendations? Where is the needs assessment?

Highway Matters

- There does not appear to be a traffic survey. It is becoming a lengthy challenge getting into and out of Ashbourne. A network of cycle paths does not bring the town any nearer.
- The development would place burden on the local road network that is not designed for heavy traffic volumes.
- The road conditions in the estate that this development would adjoin are already significantly deteriorated and unsuitable for heavy traffic volumes. This development would add additional burden to an already degraded road network.
- A local resident questions where the traffic survey is.
- Questions are raised as to what has happened to the pedestrian and cycle access to the Waterside Retail Park? It seems to me that all you do is consider sight lines etc for cars, but don't do anything to encourage people to get around by foot or bike. This is evident in the planning for the car parks at the Waterside Retail Park and at Sainsbury. Also for bus users at the hospital. How about some consideration for encouraging walking?
- There is a lot of building taking place and proposed along Wyaston Road. At present, the only entrance/exit is along Old Derby Road. Access to the bypass from Wyaston Road, would help alleviate the congestion at Preston's garage and on Springfield Avenue. This will only get worse with the 200 houses proposed south of Willow Meadow Road.
- With the layout of this part of Ashbourne we have the existing by-pass as a boundary road to the south leaving the only access off the estate either off Springfield Avenue or next to Prestons Garage as T junctions on to the busy A52. We feel the increase in traffic will lead to inevitable accidents.
- More housing in this area will increase congestion and on street parking – reference is made to this being a particular problem in the winter months.

Sustainability of location

- This development is at least 1 mile away from town. This is not accessible for all, on cycle or on foot. Consider walking there and back in bad weather, hot weather, or with physical difficulties, loaded with shopping.
- There aren't any public transport links in the area of the proposed development and any within walking distance are sporadic and unreliable.

Ecological impacts and impacts on trees and mature hedgerows

- The development will involve the decimation of wildlife habitat, mature trees, hedges etc. which help to balance the environment which is already taking a massive hit in this area.
- I am very concerned about the trees marked G5 on the northern boundary. I think these trees will be crowded once the new houses are built. The new houses appear to be planned with little consideration for how much they will grow in the future. I also note that many of these trees will be growing in the shadow of the new houses. This combined to their close proximity to houses on Premier Avenue increases the risk of damage to the trees and subsidence to local residences. This is a serious matter and could be resolved by requesting a more up to date and detailed arboricultural survey. The one commissioned by the developers was written in 2013 (it is only valid for one year).
I would recommend that the plans should include a nature/green corridor on this northern boundary to protect the trees and existing housing.

The land bank onto Clumber Close is part of the existing settlement boundary retained to provide wildlife access for the badgers that are resident in the greenfield, which would be destroyed if the proposed plans were to proceed.

The proposed development would likely result in the death of the badgers and destroy the badger setts in the green fields. At least 3 badger setts are currently active. Badgers and their setts are legally protected. This proposed development would be contrary to this law and all badger setts have not been adequately provisioned for in the plan.

A local resident requests reassurances that the new buildings will not adversely affect the established badger setts.

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

- The visual impact of this development will be horrific from the by-pass and the impact on the vista will be grotesque.
- Looking at the new plan we do not have a green corridor across the northern boundary, which is surprising considering the presence of mature hedgerows and trees (some with tree preservation orders).
- At the back of the properties to the north of the site there should be a green corridor for many reasons:
  1. It would allow current wildlife to continue to flourish and move east to west across the site.
  2. It would maintain the privacy of existing properties and the new properties.
  3. It makes sense to have a corridor between developments so that they are distinct and defined.
  4. It would allow the mature trees with tree preservation orders to grow and thrive by giving them enough space. Currently the trees are very close to existing properties. They should be 20 metres away from housing (Royal Horticultural Society) and they are only 10 metres away at most. This is possible without causing subsidence at present as the trees are getting most of their water from the field. My concern would be that if they are crowded by housing on all sides they could cause subsidence or the gardens will dry out. I would like to know that this had been investigated by an independent professional.
  5. The developers would then have met their own statements/principles (stated above) in the Design and Access Statement.
- The houses are close to Wyaston Road and thus existing properties, when the masterplan clearly shows that the front bunch of housing nearest to Wyaston Road have land behind them that means they could be moved further back. This will be better for existing residents and the developer as homes will be more attractive to buyers if they are set further back from the main road. The request for the dwellings to be set further back from the road is also made by another local resident.

Impact on below ground archaeology

- These fields are Saxon burial grounds, they should be preserved and respected.

Impact on existing services and facilities

- The development will impact on already overloaded schools. This will have a detrimental effect on learning with classes becoming larger.
- The development will impact on the towns doctors and services and social care provision. These are already under pressure and stretched to breaking point.
Impact on Amenity

- The properties behind my home would be a few metres away. This will have a drastic negative impact on my property as my family and I would be staring directly at the new buildings. We would lose all the privacy we currently enjoy.
- I would lose the view of the greenfield site and become overlooked by new houses given the new houses are significantly elevated above my current position.
- Some of the houses are too close to my house and much closer than what was shown on the previous planning application. The difference in levels is such that my garden will be badly overlooked. Building the houses further away or building bungalows would help mitigate any adverse impact. The site is big enough for the new development to be placed further away.
- At the back of the houses on Premier Avenue there is no open space or structural planting planned and it is questionable whether the siting and design of the new buildings is sensitive as residents will now only have views of back gardens and houses.
- I do not want to have people looking into my house / garden / bathroom / bedroom whilst we are all getting dressed in the morning. Ideally the houses should be set at an angle. At the very least the houses fronting Wyaston Road should be moved further back.

Other matters

- The overall impact of this development will put at risk people’s health and wellbeing.
- Reference is made to the need to minimise disruption to local residents with regard to working hours. Reference is made to the standard working hours agreed by the District Council. It is considered that DDDC must adopt best practice and specify that on days where working is permitted the earliest time of arrival on site, the latest time workers can be present on site, that noise must be minimised before 8:30 Monday to Friday and the developer must take sole responsibility for ensuring that sub-contractors comply with any agreed working hours.
- Development at Saxon Fields is already causing significant problems. I cannot feed the birds as several rats now wander around my garden due to displacement. The lorries line up outside my hedge as they cannot enter the site until 8am.

7. OFFICER APPRAISAL

7.1 This application follows the resolution to grant outline planning permission for residential development on the site of up to 115 dwellings with associated public open space (outline) at committee in July 2015. A decision notice was issued in January 2016 following the completion of a legal agreement to secure a contribution towards affordable housing equivalent to 45% of the total number of new homes to be constructed on site, monies towards infant and junior school places and off-site highway improvements and the monitoring of a travel plan. In granting outline permission for 115 units, it was recognised that although there were adverse environmental impacts in terms of landscape harm and unresolved impacts in terms of congestion and pressure on town facilities that these impacts were outweighed at that time by the benefits of delivering a significant number of new homes to help meet the districts housing needs. The scale of new homes approved on the site was reduced from an earlier scheme of 145 units and members were advised to have regard to this reduction in numbers / reduced impact on the landscape and how the Planning Inspectorate were assessing the planning balance in the absence of a 5 year housing supply at that time.

7.2 The principle of new residential development of up to 115 dwellings has been established on this site by the granting of outline planning permission and therefore arguments put
forward regarding the suitability of the site and housing land supply are not relevant to the consideration of the reserved matter detail.

7.3 Having regard to the matters, which this application seeks approval of, namely;

   a) the scale of the development;
   b) the layout of the development;
   c) the external appearance of the development;
   d) details of access arrangements, and;
   e) the landscaping of the site,

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 themes that emerge are:

- The impact of development on the character and appearance of the landscape;
- The density, layout and design of the proposed dwellings;
- The housing mix and the level of affordable housing to be provided;
- The impact of the development on the amenity of the occupants of nearby residential dwellings;
- Impact of the development on protected species;
- Impact of the development on archaeology;
- Highway / pedestrian safety;
- Open space provision;
- Impact on trees, and;
- Surface water drainage.

The impact of development on the character and appearance of the landscape

7.4 The proposed scheme is in general accordance with the illustrative masterplan, which accompanied outline application 15/00319/OUT with development concentrated at the north and eastern ends of the site, where the land is more gently sloping and closely associated with existing development at the Shires (the Premier Avenue estate). In comparison with its immediate surroundings at Premier Avenue, Saxon Fields and Oak Crescent the density of housing within the context of the wider site area is low. The application proposes to erect 103 dwellings on the site, retaining a significant amount of open space.

7.5 The Council, in assessing the previous application sought an appraisal from an independent landscape consultant (LDA Design). This report is recent and remains relevant to the consideration of the current application. The main aim of the appraisal was to inform the Council whether the potential harm of developing this site was so great to outweigh the benefits. The Consultants commented on the previous scheme as follows:-

   a. It is concluded that adverse effects on local landscape character and land-use and on visual receptors close to the site boundary would be ‘significant’ in the short and long term. However in the absence of a five year housing supply, this on its own, in our opinion would not amount to a strong case at appeal.

   b. The extent of development proposed, excluding the balancing pond, would form an appropriate permanent delineation of the urban / rural edge of this part of Ashbourne. Further encroachment onto the steeper slopes should be avoided, and options for this should be explored.
c. The steeper slopes would form the immediate setting of Ashbourne. The character and appearance of the land and the urban / rural interface needs further consideration and detail to ensure that it retains a rural character and appropriate setting.

d. Parts of the southern edge of the housing development, presented in the submitted Design and Access Statement (DAS), would be exposed and create a hard and abrupt urban edge to Ashbourne. The southern edge should have substantial areas of planting (currently not illustrated) to screen and soften proposed housing development, providing a less abrupt interface between the town and its setting.

e. The proposed balancing pond is likely to appear artificial due to its location partway down a slope, the extensive earthworks that would be necessary and its prominent location. An alternative location towards the bottom of the slope, adjacent to the A52 should be explored. However, if retained in its illustrated location further design and illustrative material should be provided to “secure sensitive profiling in conjunction with new tree and hedgerow planting measures to limit any likely adverse landscape and visual effects”.

f. The applicant should confirm whether the existing trees that lie within the hedgerow along Wyaston Road, which is to be transplanted are to be retained or removed. Further illustration should be provided to show the effect on the character and appearance of this edge of development on this approach into Ashbourne.

7.6 The indicative layout drawing which accompanied the original outline application showed corridors of green space permeating the development to create a network of pedestrian and cycle routes separate from the estate roads and included substantial areas of open space that can be used for informal recreation and children’s play. Existing field boundaries hedgerows and other trees were shown to be retained and the southern boundary strongly planted in association with the sustainable urban drainage system (SUDS). Although concerns were expressed with regard to the likely overall impact of the development on landscape character on this side of the town, visual amenity in views from the south and settlement pattern it was concluded that the proposals (set out above) did offer considerable opportunity for that impact to be mitigated.

7.7 The original landscaping scheme which accompanied the current application was considered to be inadequate and the applicant was requested to revert back to the details set out within the masterplan accompanying the original outline application (numbered EM1736/001/REV E). As can be seen from the District Councils Landscape Officers comments reference is made to the landscape in the vicinity of the site being characterised by “stripes” of trees and other vegetation that follow the contours, the high ridgeline and the line of the by-pass. It is considered that a similar “stripe” should be established on the southern boundary of the site and includes new field boundary hedges areas of woodland / copse and linear groups of trees. It is also considered that another “stripe” should be created in association with the main spine road using avenue and street trees, effectively re-instating the concept of the “green corridor” proposed at outline application stage. The applicant has since re-visited the landscaping of the site and has presented a scheme of planting, which proposes the strengthening and planting of new hedgerows to contain the residential development to the south and areas a woodland and pockets of tree planting to create a new settlement edge. Planting along the main spine road through the site is also proposed. Although this is limited to shrub planting in front of the houses, which are shown to sit adjacent the access road, this in addition to the position of the houses and combined with the tree planting at the western end of the site and in the area of open space will serve to create a stripe across the part of the site to be developed.

7.8 In addition to the above the layout of the houses has been amended to retain the existing landscape features within the central swathe of open space, including existing hedgerows
which are considered to be important components/features of the local landscape. Additional shared accesses have also been formed off Wyaston Road, allowing the replanting of a significant section of hedgerow, an important feature of the existing road and new tree planting (to replace two existing mature hedgerow trees), which has been further amended to appear less formal, to reduce the extent of secondary access roads running parallel with Wyaston Road.

7.9 Careful consideration has been given to the nature of position of the sustainable urban drainage feature, which is presented as a series of swales which will discharge into a larger balancing feature. Set behind a substantially planted southern boundary such a system has the potential to be an attractive landscaped feature and provide significant ecological benefits.

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

The density, layout and design of the proposed dwellings

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

7.12 Revisions to the layout of the houses and types have been made to create stronger more coherent streetscenes, when viewed from across the areas of open space that will remain, from Wyaston Road and when viewed from the south. Details from some of the house types, including balconies on properties along Wyaston Road have also been deleted. The general design of the house types is consistent with the properties being built on the Saxon Fields development and Hillside Farm. The dwellings will be mainly brick (solely brick along the Wyaston Road frontage) with tiled roofs. Some rendered properties are shown within the main body of the site. To ensure an appropriate distribution of materials, it is recommended that a condition be imposed to agree the materials to be used for each property across the development site.

7.13 In terms of general layout and scale, the houses, with the exception of one bungalow will be two storeys, consistent with existing development in the locality. Development will be concentrated on the less prominent part of the site, in landscape terms and as previously discussed will enable large areas to be retained as open space.

7.14 The Town Council have carried out a Lifetimes Homes assessment of the development and raise concerns with the connectivity of the site and the layout, which they consider to be uninspiring. The Town Council also consider the principle of development and impacts on the local highway network and proximity of the site to existing services and facilities. Such matters relating to the principle of the development are not considered relevant in the consideration of this application, which seeks to agree matters which were reserved as part of the outline permission. Notwithstanding that the requirements for new homes to be built to Lifetime Homes standards has been removed from the suite of policies contained within the emerging local plan as this was considered to be at odds with the governments objectives of removing restrictions on developers that would result in additional costs having to be borne in bringing new homes forward. The points relating to layout and

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connectivity are considered, however, to still be relevant. Although there is no opportunity to introduce a link to the town centre at the western end of the site, a new footpath link opposite Hilltop primary school is shown. This will connect the site to Wyaston Road and towards the town centre, employment opportunities on the Airfield Industrial Estate and Pinecroft Stores off Willow Meadow Road. In this sense the site is considered to be reasonable well connected to the town and the facilities/services available in the local area. The position and general layout of the houses, for reasons stated above, is considered to be an appropriate response to context in this case.

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

7.15 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 .......

7.16 The Housing and Economic Development Needs Assessment (September 2015) which has informed the content of the policies contained within the emerging local plan advises that in order to ensure new housing meets the community’s needs (Paragraph 8.43) that:

“…… the provision of market housing should be more explicitly 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%”.

7.17 The application proposes the following mix:

1 bedroom dwellings - 4%
2 bedroom dwellings – 9%
3 bedroom dwellings – 43%
4 bedroom dwellings – 33%
5 bedroom dwellings – 11%

In justifying this mix the applicant advises that they have been developing new homes in Ashbourne since the birth of the company in 2001 and that their developments have consisted of varying sizes and house type mix. Recent marketing on both their Saxon Fields and Oaklands Park (Hillside Farm) developments has identified that there is a varying mix required in Ashbourne which predominantly lies within the 3 and 4 bedroom housing market. They advise that it should be noted that their 3 and 4 bedroom homes are of varying sizes from 731 sq. ft. to 1835 sq. ft. Having considered the emerging Local Plan policy on housing mix the applicant agrees that there will be an element (albeit not at the scale suggested) that there may be a demand for 1 & 2 bedroom homes, however, that this is appropriately reflected in the suggested mix. Taking the above into consideration and also having regard to the off-site provision of affordable housing in this case, which will be geared towards providing smaller units of accommodation, it is considered that the proposed mix of housing in this case would not be so at odds with the recommendations of the Housing and Economic Development Needs Assessment to warrant refusal of the application.
7.18 In terms of the nature and mix of affordable housing the applicant has previously agreed to the provision of a 45% contribution, 25% on site and 20% off site in the form of a financial contribution. The applicant proposes 26 affordable dwellings, representing a little over 25% of the total number of houses to be erected. In terms of the mix, the applicant proposes 4 no. one bedroomed dwellings, 9 no. two bedroomed dwellings and 13 no. three bedroomed dwellings. The applicant has advised that should a Registered Social Landlord (RSL) feel that there may be more of a requirement for a 2 bedroom allocation then the H312 (one of the three bedroomed house types) does have the ability to be adapted to a 2 bedroomed house, post reserved matters approval and they would be willing to investigate this position further. The applicant also advises that in addition this they will also confirm what level of interest there is currently in Ashbourne from any RSL, which will also determine the final tenure for the development as they feel there is a larger requirement for intermediate housing in the area for local people. Given the flexibility in the house types, the Local Planning Authority are satisfied that an appropriate level of affordable housing can / will be provided in this case. The S106 accompanying the original outline application requires a scheme of affordable housing to be submitted and approved in writing prior to the commencement of development which will need to include details of the exact number, type, tenure split and size of the affordable dwellings, the occupancy criteria and the timetable for providing the affordable dwellings.

*The impact of the development on the amenity of the occupants of nearby residential dwellings*

7.19 A number of concerns have been raised by the occupants of residential dwellings which border the site to the north, off Premier Avenue and to the east, off Oak Crescent.

7.20 Concern has been expressed from the occupants of no. 4 Northwood Rise with regard to the impact of some of the new houses at the western end of the site on their residential amenity. The dwellings at the western end of the site are shown to sit within large plots. The separation distance between the existing and proposed dwellings in this area, difference in levels and intervening tree planting is such that there would be no significant loss of privacy or amenity, such that refusal on these grounds could not be sustained it is considered.

7.21 Representations have been received from the occupants of no. 15 Premier Avenue with regard to the proximity of the some of the dwellings to this property. The applicant had intended to erect a two storey dwelling close to the boundary with no. 15 Premier Avenue. Following concerns that this property would have appeared overbearing when appreciated from the rear garden and habitable rooms of no. 15 Premier Avenue this area of the site was reconsidered. The estate road serving this central spur has been positioned to maintain an open aspect from the rear garden of no. 15 Premier Avenue and a bungalow positioned 6.7m from the rear boundary. Set a little under 1.5m below the level of no. 15 Premier Avenue the dwelling would not now appear overbearing. View of this building would mainly be of the roof, which would slope away from the site. No significant loss of light or privacy would now result it is considered.

7.22 Representations have also been received from the occupants of the properties off Oak Crescent to the east, which front Wyaston Road. Although issues of overlooking and loss of privacy are raised, these dwellings sit on the opposite side of Wyaston Road beyond a grass verge. Being set behind private access drives, the distance between the proposed dwellings and the dwellings off Oak Crescent, which front Wyaston Road no significant loss of privacy would result.
Impact of the development on protected species

7.23 Derbyshire Wildlife Trust (DWT) have previously commented on the ecological value of the site, making particular reference to the Ecological Appraisal Report prepared by FPCR dated April 2015. Their comments are contained in the “Consultations” section of this report.

7.24 Overall DWT considered that sufficient information was available in the ecological report to enable informed assessment of the site’s ecological value. They suggested conditions be imposed to safeguard the badgers and ensure the appropriate future management of ecology on the wider site. Such conditions were imposed in respect of the outline permission and do not need to be repeated as part of this application, which seeks development on broadly the same part of the site. A badger mitigation habitat enhancement strategy, ecological design strategy and a landscape and ecological management plan will need to be submitted and approved as part of an application to discharge conditions pertaining to the outline permission. The agreement of such details would ensure that protected species and other wildlife are appropriately safeguarded.

Impact of the development on archaeology

7.25 Reference is made to the site forming part of a Saxon burial ground. The Development Control Archaeologist has previously identified the archaeological potential of this site and recommended that conditions be imposed to secure a Written Scheme of Investigation (WSI). Such work should identify any areas of archaeological interest / significance and ensure that they are appropriately recorded.

Highway / pedestrian safety

7.26 The public have questioned the ability of the local road network to accommodate the level of development proposed. In considering the outline application to erect up to 115 dwellings on the site the Local Highway Authority requested that the Local Planning Authority secure £95,000 towards highway network improvements within the area to offset any detrimental impacts arising as a result of the level of development proposed. The Local Highway Authority contribution may be applied to, but not be limited to the installation of permanent traffic monitoring station at agreed locations within Ashbourne to aid data collection, further transport studies in the Ashbourne area, identifying, designing and implementing targeted highway and pedestrian safety or capacity improvements, within the identified area and improving public transport infrastructure and walking / cycling routes between the site and the town centre. Such a payment has been secured by the Local Planning Authority through by a section 106 agreement with the developer. It is recognised that the developer contribution may not fully fund the entire works necessary to offset the impact of the development and it may well require additional public or development related funds to support any comprehensive improvement package for the town. However, the sum identified is considered reasonable by the Highway Authority to offset the impact arising from the development of up to 115 dwellings such that rejection on highway safety grounds cannot be sustained. This approval of reserved matters application seeks the erection of 103 dwellings, which is well within the quantum of development approved at outline stage.

7.27 The Local Highway Authority are satisfied that the visibility from the main spine road onto Wyaston Road would be acceptable. The amendments to the site layout has also addressed the Local Highway Authorities concerns with regard to the layout and configuration of the internal estate roads. Subject to conditions and advisory footnotes the Local Highway Authority raise no objections in relation to access and the layout of the proposed development.
Open space provision

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

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

Impact on trees

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

Surface water drainage

7.31 The Land Drainage Authority have advised that no further calculations have been submitted to demonstrate that the revised surface water storage provision is sufficient to attenuate surface water in accordance with S2 of the non-statutory technical standards for SuDS, despite a reduction in the number of online storage features. They also advise that the reduction in upstream storage could limit surface water infiltration and may lead to surface water being conveyed through the catchment at a faster rate and overwhelming downstream storage features.

7.32 The applicant is satisfied that the storage features shown on the amended site layout plan would be capable of serving the proposed development. The applicant will need to present detailed designs and demonstrate that surface water storage features would be fit for purpose as part of the discharge of condition 14 of the outline permission and condition recommended by the Local Planning Authority.

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

*The Planning Balance*

7.35 As previously advised, Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The NPPF requires decision makers to weigh the social, economic and environmental benefits and disbenefits of the development in reaching a balanced judgement on the sustainability of the scheme.

7.36 In this case the **social dimension** would be served by the delivery of a significant number of new houses, within the quantum of development approved as part of the outline permission to help meet the districts housing needs. Whilst it has been suggested that the mix of housing to be delivered on site would be inappropriate, the application proposes a wide mix of new homes, in addition to the offsite contribution towards affordable housing which will be geared towards providing smaller units of accommodation. In terms of the total number of new homes that would be delivered on the back of the development, the mix would not be that far away from that recommended within the Housing and Economic Development Needs Assessment. The flexibility in the proposed affordable dwelling house types will also enable an appropriate affordable housing mix on site, which is a social benefit of the development. Development of the site would also secure funding towards highway improvements / monitoring, school places and affordable housing and would also provide a significant amount of public open space and a fully equipped play area.

7.37 The **economic dimension** would be served by employment generated during construction and the benefits to existing businesses within the local area from additional resident spend.

7.38 In **environmental terms** the development would intrude into a significant part of the countryside, however, would be closely associated with existing development and the retention of the majority of existing landscape features, provision of large areas of open space and the introduction of new hedgerow and tree planting will help mitigate any impact on the local landscape and provide some ecological benefits.

7.39 The planning balance in this case is considered to weigh in favour of allowing the development of 103 dwellings, associated infrastructure and public open space. It is considered that any adverse impacts of allowing the development would not significantly and demonstrably outweigh the benefits, having regard to the relevant provisions of the development plan and national guidance in this instance. Approval is therefore recommended subject to appropriate conditions.

**OFFICER RECOMMENDATION:**

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

1. This permission relates to the original application documentation except as amended by the revised plans received by the Local Planning Authority on the 10th June, 8th July and 10th August 2016 numbered H507T/04 and 05 Rev A, B302T/02 Rev A, H305C/02 Rev A, J088/100/02 Rev B, J088/100/03 Rev B, GL0568 01C, 02B and 03B and
H312T/02H402C / 05 and H402C / 06 except insofar as may otherwise be required by other conditions to which this permission is subject.

2. Prior to the commencement of development details of the phasing of the project shall be submitted to and agreed in writing by the Local Planning Authority.

3. Samples of all materials to be used in the construction of the external surfaces of the proposed dwellings and a plan showing the distribution of materials across the site shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.

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

5. No part of the development shall be brought into use until the 2m wide footway fronting the site on Wyaston Road has been constructed in accordance with the approved drawing J088/100/02B. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

6. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

7. The carriageways of the proposed estate roads shall be constructed in accordance with Condition 4 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

8. Individual and shared private driveways shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

9. No part of the development shall be brought into use until a new vehicular estate street junction has been formed to Wyaston Road in accordance with the revised application drawing No J088/100/02B, 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 65m metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) above ground level, levelled, constructed as footway and not being included in any plot or other sub-division of the site.
10. No part of the development shall be brought into use until new vehicular accesses have been formed to Wyaston Road in accordance with the revised application drawing No. J088/100/02B, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the accesses, for a distance of 65 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

11. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No J088/100/02B for residents and visitors car parking associated with that dwelling.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and parking associated with the occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority upon an application submitted to it.

13. No dwellings shall be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

14. Any gates shall open inwards only.

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

16. In addition to the requirements of Condition 15 of outline permission 15/00319/OUT no dwelling shall be occupied within a phase of the development until appropriate surface water drainage works to serve that phase have been implemented in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and the hierarchy in Approved Document Part H of the Building Regulations 2000, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and
iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

17. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the buildings.

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

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

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

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

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

   i) details of maintenance regimes details of any new habitat created on site;
   ii) details of treatment of site boundaries and/or buffers around water bodies, and;
   iii) details of management responsibilities.
23. Not more than 50% of the dwellings shall be occupied until the equipped play area has been constructed and made available for use in accordance with the details set out on drawing numbered GL0568 01C.

Reasons:

1. For the avoidance of doubt.

2. For the avoidance of doubt and to allow for the phased delivery of the scheme and associated infrastructure.

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

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

5-10. 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).

11-12. To ensure adequate parking provision in accordance with the aims of Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

13. To promote sustainable transport methods in accordance with the aims of guidance contained within the National Planning Policy Framework (2012).

14-15. 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).

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

17-19. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

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

21. To ensure the protection of trees important within the landscape and/or protected by Tree Preservation Orders in accordance with Policy NBE6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
22. To ensure the proper management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

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

Footnotes:

1. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

2. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (ask for the Development Control Implementation Officer Mr T Turkington, Tel: 01629 538578).

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

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

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

6. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

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

9. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This Decision Notice relates to the following documents:
1:2500 Scale Site Location Plan numbered J088/100/01;
Document Titled Design and Access Statement by Radleigh numbered J088-DAS;
Landscape Management Plan by Golby + Luck;
1:100 Scale Proposed House Type and Garage Elevations and Layout Plans numbered G4-C, G4-T, H403C /02, H103T/02, H304C/02, H303C/02, H202T/02, H424T/02, H414T/02, H3038C/02, H305C/02, H406T-02, H405T/02, H507T/04, H501C/05, H505T/05, H501C/04, G7-C, G7-T, G9-C, G9-T, G10-T, H408C/02 received by the District Council on the 29th April 2016, and;
1:100 Scale Proposed House Type Elevations and Layout Plans numbered H312T/02H402C /05 and H402C / 06 received by the District Council on the 10th June 2016;
1:500 Scale Proposed Site Layout Plan numbered J088/100/02 Rev B;
1:200 Scale Proposed Streetscenes Plan numbered J088/100/03 Rev B, and;
1:100 Scale Proposed House Type Elevations and Layout Plans numbered H507T/05 Rev A, H507T/04 Rev A, B302T/02, H305C/02 Rev A, received by the District Council on the 8th July 2016, and;
1:250 Scale Proposed Landscaping Plans numbered GL0568 01C, 02B and 03B received by the District Council on the 10th August 2016.

BACK TO AGENDA
## Ashbourne North

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Location</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accommodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Knivetton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
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## Ashbourne South

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<tbody>
<tr>
<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/16/00062</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>Pending Consideration</td>
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## Brailsford
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<tr>
<th>Reference</th>
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<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>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00097</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00033</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
</tr>
<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>Pending Consideration</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>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Pending Consideration</td>
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### Carsington Water

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### Clifton And Bradley

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### Darley Dale

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<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
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### 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

ENF/16/00061 Unauthorised erection of lamp posts within an agricultural field, to facilitate vehicular parking. Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA Pending Consideration

**Doveridge And Sudbury**

ENF/13/00019 Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire Pending Consideration

ENF/15/00001 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

**Hulland**

ENF/14/00041 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 Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU Pending Consideration

ENF/15/00004 Unauthorised engineering works including substantive excavation on land at Common Farm. Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP Pending Consideration

ENF/15/00024 Unauthorised change of use of holiday cabins to dwelling. Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU Pending Consideration

ENF/16/00043 Unauthorised engineering works on land at Whinney Hill Farm Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG Pending Consideration

**Masson**

ENF/11/00083 Unauthorised rebuilding of retaining wall. 24 Chapel Hill Cromford Derbyshire DE4 3QG Notice Issued

ENF/13/00108 Unauthorised works to Grade II Listed Building Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH Notice Issued

ENF/15/00052 Installation of plastic windows in a listed building. 101 The Hill Cromford Derbyshire DE4 3QU Notice Issued

ENF/15/00054 Unauthorised alterations to a Grade II Listed Building. Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR Pending Consideration

ENF/15/00060 Unauthorised installation of two roof-lights and flue on the rear roof slope. Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF Notice Issued
ENF/15/00104  Unauthorised internal works and demolition of external boundary wall. Mill Managers House  Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ Pending Consideration

ENF/15/00105  Unauthorised engineering operations to create extra parking/turning area. G P Produce The Hill Cromford Derbyshire DE4 3QL Pending Consideration

ENF/16/00024  Unauthorised occupation of holiday let as residential dwelling. The Farrows Chestnut Farm Abel Lane Bonsall Derbyshire Pending Consideration

ENF/16/00028  Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building. 86 The Hill Cromford Derbyshire DE4 3QU Pending Consideration

ENF/16/00037  Unauthorised extension to property. 1 Water Lane Cromford Derbyshire DE4 3QH Notice Issued

ENF/16/00041  Unauthorised instalation of plastic windows and door. 2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS Notice Issued

ENF/16/00058  Unauthorised facia advertisement. F Coffee 6 North Parade Matlock Bath Derbyshire DE4 3NS Pending Consideration

ENF/16/00063  Change of Use of premises to Cafe Restoration Cafe Former Tourist Information Centre Grand Pavilion South Parade Matlock Bath Derbyshire DE4 3NR Pending Consideration

**Matlock All Saints**

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

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

ENF/15/00087  Breach of conditions on planning application number 14/00493/FUL 10 Imperial Road Matlock Derbyshire DE4 3NL Pending Consideration

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

ENF/16/00015  Breach of condition 2 on planning permission (office code) 13/00005/FUL. 19 Dale Road Matlock Derbyshire DE4 3LT Pending Consideration

ENF/16/00038  Unauthorised erection of fences and alleged car sales business. 2 Bentley Close Matlock Derbyshire DE4 3GF Pending Consideration

**Matlock St Giles**

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

ENF/15/00083  Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL) Gate Inn The Knoll Tansley Derbyshire DE4 5FN Pending Consideration

ENF/15/00088  Unauthorised play equipment at The Gate Inn, Tansley. Gate Inn The Knoll Tansley Derbyshire DE4 5FN Pending Consideration
ENF/16/00002 Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.

ENF/16/00018 Unauthorised extensions to existing stables and field shelter.

ENF/16/00025 1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.

ENF/16/00046 Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL

ENF/16/00053 Unauthorised access off Riber Road.

ENF/16/00056 Change of use of agricultural land to the rear of 70 - 80 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 72 Starkholmes Road, Matlock, DE4 3DD.

ENF/16/00057 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.

**Norbury**

ENF/11/00091 Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair. Land at Marston House Farm and Home Farm, Thurvaston Road, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF

ENF/13/00050 Unauthorised building works to an agricultural building. (Increasing the height).

ENF/14/00030 Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.

**Wirksworth**

ENF/12/00022 Unauthorised stationing of a wooden chalet building and two steel containers.

ENF/16/00018 Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire

ENF/16/00025 Land Off Alders Lane, Tansley.

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

ENF/16/00053 Brookdale Riber Road Lea Derbyshire DE4 5JQ

ENF/16/00056 72 Starkholmes Road Matlock Derbyshire DE4 3DD

ENF/16/00057 78 Starkholmes Road Matlock Derbyshire DE4 3DD

**Norbury**

ENF/11/00091 Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF Notice Issued

ENF/13/00050 Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire Pending Consideration

ENF/14/00030 Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET Pending Consideration

**Wirksworth**


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<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>
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<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>
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<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtilage (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/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Pending Consideration</td>
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<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>
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**Total Open Cases**: 71
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<td><strong>Ashbourne North</strong></td>
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<tr>
<td>ENF/15/00067</td>
<td>Alleged change in the use of a piece of land to the rear of plot 1 at St Osvalds Crescent.</td>
<td>8 Spire Close Ashbourne Derbyshire DE6 1DB</td>
<td>Planning Application Received</td>
<td>23/03/2016</td>
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<tr>
<td>ENF/16/00027</td>
<td>Alleged unauthorised works to roof, brickwork and sound insulation measures.</td>
<td>The Old Pine Store Coxons Yard Ashbourne Derbyshire DE6 1FG</td>
<td>Complaint Unfounded</td>
<td>04/03/2016</td>
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<tr>
<td><strong>Ashbourne South</strong></td>
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<tr>
<td>ENF/13/00012</td>
<td>Breach of Condition 20 of planning permission 07/00842/FUL - Formation of car park and memorial sculpture garden/public open space. Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</td>
<td>Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</td>
<td>Justification from Officer</td>
<td>29/03/2016</td>
</tr>
<tr>
<td>ENF/15/00007</td>
<td>Breach of Condition 2 relating to listed building consent - 13/00705/LBALT External alterations - re-roofing - Unit 3 Former House of Correction, Derby Road, Ashbourne, Derbyshire</td>
<td>Unit 3 Former House Of Correction Derby Road Ashbourne Derbyshire DE6 1BE</td>
<td>Complied Voluntarily</td>
<td>01/03/2016</td>
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<tr>
<td>ENF/16/00022</td>
<td>Alleged unauthorised removal of trees and hedges to the rear of 15 South St Ashbourne</td>
<td>Land To The Rear Of 15 South Street Ashbourne Derbyshire DE6 1DP</td>
<td>Complaint Unfounded</td>
<td>25/02/2016</td>
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<td>ENF/16/00044</td>
<td>Breach of pre-commencement planning condition relating to planning permission 16/00048/FUL - Erection of building for nutrition and exersize coaching (use class D2) - Mr A Kent</td>
<td>Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Complied Voluntarily</td>
<td>26/04/2016</td>
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<td><strong>Brailsford</strong></td>
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<td>ENF/16/00010</td>
<td>Unauthorised change of use of an agricultural building, shown in red on the attached plan, to a commercial/storage and distribution use.</td>
<td>School Farm Back Lane Hollington Derbyshire DE6 3GA</td>
<td>Complaint Unfounded</td>
<td>06/05/2016</td>
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<tr>
<td>ENF/16/00020</td>
<td>Alleged engineering works to facilitate an access track on land belonging to Dam Farm at Brailsford</td>
<td>Former Dam Farm House Yeldersley Lane Ednaston Derbyshire DE6 3BA</td>
<td>Complaint Unfounded</td>
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<td><strong>Carsington Water</strong></td>
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<td>ENF/16/00023</td>
<td>Alleged unauthorised internal alterations to a listed building. - removal of internal wall and Inglenook Fireplace.</td>
<td>The Glebe House Back Lane Carsington Derbyshire DE4 4DE</td>
<td>Complaint Unfounded</td>
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<tr>
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<td>Unauthorised engineering works to facilitate access track on land adjacent to Brassington Lane between Brassington and Bradbourne.</td>
<td>Overfields Quarry Pasture Lane Brassington Derbyshire</td>
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<tr>
<td>ENF/16/00009</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00757/FUL - Extension to hatchery building and associated works (modifications of 15/00397/FUL) - Moy Park Hatchery, Cockshead Lane, Snelston, Derbyshire for Mr Wayne Shepherd.</td>
<td>Moy Park Hatchery Cockshead Lane Snelston Derbyshire DE6 2DP</td>
<td>Complied Voluntarily</td>
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<td>ENF/16/00017</td>
<td>Unauthorised creation of hardstanding area and vehicular access onto a classified road.</td>
<td>Land Of Former Wesleyan Methodist Chapel Mill Lane Shirley Derbyshire</td>
<td>Complied Voluntarily</td>
<td>09/03/2016</td>
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<td>ENF/12/00092</td>
<td>Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock.</td>
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<td>ENF/15/00030</td>
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<td>ENF/16/00039</td>
<td>Problem beginning to cause damage and staining to the historic fabric of a Listed Building</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
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<td>17/08/2016</td>
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<td>ENF/16/00050</td>
<td>Unlawful Banner advertisements on railings around Cromford junction.</td>
<td>Various Railings Around Cromford Junction</td>
<td>Justification from Officer</td>
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<td><strong>Matlock All Saints</strong></td>
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<td>ENF/16/00054</td>
<td>Engineering operations on land the East side of 80 Jackson Road.</td>
<td>80 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
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<tr>
<td>ENF/16/00060</td>
<td>Condition 4 on Planning Permission office code 08/00087/FUL “Erection of Conservatory”</td>
<td>15 Bank Gardens Matlock Derbyshire DE4 3WA</td>
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<td><strong>Matlock St Giles</strong></td>
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<td>ENF/14/00077</td>
<td>Unauthorised use of land for the sitting of caravans.</td>
<td>Tansley Wood Mills Lumsdale Road Matlock</td>
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<td>19/04/2016</td>
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<tr>
<td>ENF/15/00098</td>
<td>Unauthorised engineering operations on fields to the South West of Derwent Treescapes.</td>
<td>Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ</td>
<td>Planning Application Received</td>
<td>16/08/2016</td>
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<td>ENF/16/0011</td>
<td>Unauthorised erection of fence over 1 (one) metre in height adjacent to a highway.</td>
<td>21 Wishing Stone Way Matlock Derbyshire DE4 5LU</td>
<td>Complied Voluntarily</td>
<td>14/03/2016</td>
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<tr>
<td>ENF/16/00047</td>
<td>Alleged unauthorised extension to dwelling house and boundary fence obstruction.</td>
<td>46 Mornington Rise Matlock Derbyshire DE4 3EQ</td>
<td>Complaint Unfounded</td>
<td>13/05/2016</td>
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<td><strong>Norbury</strong></td>
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<tr>
<td>ENF/16/00008</td>
<td>Mud on road</td>
<td>Land South Of Somersal Mill Farm Grove Lane Doveridge Derbyshire</td>
<td>Complied Voluntarily</td>
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<tr>
<td>ENF/16/00032</td>
<td>Alleged unauthorised alteration to an existing vehicular access</td>
<td>Mount Farm Marston Common Marston Montgomery Derbyshire DE6 2FH</td>
<td>Complaint Unfounded</td>
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<td><strong>Stanton</strong></td>
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<td>ENF/15/00008</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Not in the Public interest to pursue</td>
<td>15/06/2016</td>
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<td><strong>Winster And South Darley</strong></td>
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<td>ENF/15/00066</td>
<td>Unauthorised wooden storage structure.</td>
<td>Tipsy Cottage 14 Main Road Darley Bridge Derbyshire DE4 2JY</td>
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<td><strong>Wirksworth</strong></td>
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<td>ENF/16/00001</td>
<td>Untidy site consisting of the storage of an old mattress, bed base, car seats, fridge, old steel bed frame old carpets and other associated household waste.</td>
<td>2 Cromford Road Wirksworth Derbyshire DE4 4FH</td>
<td>Complied Voluntarily</td>
<td>01/03/2016</td>
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<tr>
<td>ENF/16/00036</td>
<td>Alleged unauthorised extension.</td>
<td>23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF</td>
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<td>ENF/16/00049</td>
<td>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</td>
<td>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</td>
<td>Complaint Unfounded</td>
<td>21/06/2016</td>
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**Total Closed Cases** 35

BACK TO AGENDA
PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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<tr>
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<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
<td><strong>Southern</strong></td>
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<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
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<tr>
<td>15/0062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
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<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
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<tr>
<td>15/00530/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
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<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
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<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
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<td>Brailsford House, Main Road, Brailsford</td>
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<tr>
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<td>Land east of Derby Road, Doveridge</td>
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<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
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<td>16/00051/FUL</td>
<td>Nether Farm, Sturston</td>
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<td>Orchard View, Yeldersley</td>
<td>WR</td>
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<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
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<td>15/00429/FUL</td>
<td>Land adjacent 11, Little Bolehill, Bolehill</td>
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<td>15/00670/FUL</td>
<td>Land (East) off Main Road, near 3 Stags Heads pub, Darley Bridge</td>
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<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
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<td>16/00005/OUT</td>
<td>Former Neil Thompson Nurseries, Nottingham Road, Tansley</td>
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<td>16/00199/VCOND</td>
<td>10 Imperial Road, Matlock</td>
<td>WR</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.

**BACK TO AGENDA**
Appeal Decision

by Roger Catchpole  DipHort BSc(hons) PhD MCIEEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 August 2016

Appeal Ref: APP/P1045/Y/16/3147076
Churchfields Farm, Brailsford, Ashbourne, Derbyshire DE6 3BW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Turkington against the decision of Derbyshire Dales District Council.
- The application Ref: 15/00530/LBALT, dated 13 July 2015, was refused by notice dated 6 October 2015.
- The works proposed are the erection of a kitchen extension and internal alterations to the ground floor.

Decision

1. The appeal is dismissed and listed building consent is refused for the erection of a kitchen extension and internal alterations to the ground floor.

Preliminary Matters

2. As the works affect a Listed Building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

3. Neither party express a view regarding any effect on the setting of the nearby, Grade II listed buildings, Barn and Attached Stable Range at Churchfields Farm and the Cowhouse at Churcufields Farm. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the setting of these buildings. Given the location of the proposed extension, separation distances and partial screening by what remains of the yard wall, I am satisfied that it would preserve those interests.

4. As consent for the demolition of a small, lean-to cold store has already been granted (15/00759/LBALT). As a result, this aspect of the proposed works will not be considered. This is the basis upon which this appeal has been determined.

Main Issue

5. The main issue is whether or not the proposed works would preserve a Grade II listed building, Churchfields Farmhouse, bearing in mind the features of special architectural or historic interest that it possesses.

Reasons

6. The appeal building is a former farmhouse situated in open countryside to the southwest of Brailsford. It is part of a purpose-built dairy farm and forms the
southern element of a courtyard, in conjunction with a number of converted farm outbuildings. The proposed works would lead to the demolition of a small, single storey addition and its replacement with a larger, single storey extension. This would project from the western elevation of a two storey outrigger and also cover a formerly enclosed yard.

7. The appeal building was originally listed in 1985 and was constructed in five phases. Stone footings indicate that the original building dated from the late 16th or early 17th century with some adaptation occurring in the 18th century. The main phase of building, which defines the majority of the building as it stands today, dates from between 1800-1810. Further remodelling occurred shortly after, around 1850, with the final phase comprising alterations that occurred after 1900.

8. The oldest remaining parts of the building, dating from the 18th century, consist of two rear outriggers and a section of coursed rubble within a boundary wall that formerly enclosed a small yard. The main part of the building was then added in the early 19th century which comprises a rectangular, three storey range. Its southern elevation has three bays with a doorway and a plain triangular pediment and an opening into the attic, situated in the central bay. This part of the building was extended in the mid 19th century through the construction of a subservient, two storey extension to its western gable end. Notwithstanding the earlier section of wall, the yard was also enclosed around this time with two of its sides being formed from the aforementioned extension and the earlier, rear outrigger. This phased development has led to a unique layout of considerable historical depth and interest.

9. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historic fabric and layout insofar as this indicates the original patterns of circulation and the historic legibility of its former use.

10. I observed from the plans and my site visit that the proposed extension would lead to an awkward, incongruent addition that would project beyond the area of the previously enclosed yard. The wide gable end and significant massing would dominate the western elevation of the rear outrigger which has been identified as a former scullery/larder. This would disrupt its external appearance thus reducing its architectural distinctiveness. Furthermore, the greater extent of internal subdivision and the formation of a new opening into the proposed extension would significantly erode its original layout and former functional relationship with the adjoining cheese press room.

11. The relationship with what remains of the yard wall would also lack any clear functional or visual relationship with the new structure. The resulting façade would appear highly contrived and the location of the extension would prohibit any reinstatement of the collapsed section of wall. This would lead to the permanent loss of a historic feature associated with the building's former use. Whilst I observed that the upper parts of the wall were not tied to the scullery/larder wall and may have been of later origin, the feature was nevertheless part of an evolving, functional building. I acknowledge the findings of the structural engineer’s report on the condition of the wall in 2012 and note that the collapse occurred during high winds in February 2014. I also note the view that rebuilding was not a preferred option because the bricks were cracked and heavily ‘spalled’.
12. However, this condition is not uncommon in comparison with other walls dating from this period nor beyond specialist remedial works, as the Council point out. I have no substantiated evidence before me that any attempt was made to either stabilise the wall or initiate any conservation engineering solutions that would have retained as much of its historic fabric as possible. Indeed, the Council suggest that whilst specific recommendations were made, no action was taken by the appellants over the intervening year prior to the collapse. Consequently, paragraph 130 of the National Planning Policy Framework 2012 (the Framework) applies which means that the deteriorated condition of the enclosed yard, i.e. its partially collapsed state, cannot be taken into account in any decision and consequently has no bearing on the outcome of this appeal.

13. I now turn to the effect of the proposal on the layout of the wider building. I note from the plans and the heritage report that two of the proposed changes would lead to an unacceptable loss of original fabric and a significant alteration of the historic circulation pattern. The first is related to the formation of a cupboard and associated widening of the doorway currently present between the kitchen and southern entrance. The second is related to the formation of a new opening into the proposed extension from the former cheese press room.

14. I accept that the doorway that would be created between the kitchen and dining room represents the reinstatement of an earlier feature given the discontinuity of the brick coursing at this location and the position of a large axial beam. As the Heritage Statement notes, this is suggestive of a smaller kitchen with a separate front parlour or office that would have been directly accessed via a doorway near the southern entrance. Consequently, the formation of a cupboard with double doors would not only lead to a loss of historic fabric, dating from the mid-19th century, but would also fundamentally alter the legibility of a circulation pattern that was closely associated with its former use.

15. The openings into the proposed extension lack any justification beyond being associated with parts of the building that have been identified as being of low to moderate significance. These works would not only lead to a loss of historic fabric but they would further alter the legibility of the original circulation pattern. The effect on the former scullery/larder has already been discussed. As far as the second opening is concerned, this would dilute the functional relationship between cheese press room and the floor above, where a servant’s bedroom would have been accessed via a back stair case. Whilst the latter would remain unaffected by the proposal, a different circulation pattern would nevertheless be emphasised.

16. Given the above, I find that the works would fail to preserve the special interest of the listed building and I consequently give this harm considerable importance and weight in the planning balance of this appeal.

17. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the extent of the proposed works and the significance of the features that would be affected, I find the harm to be less than substantial in this instance. Under such circumstances, paragraph 134 of the Framework advises
that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use.

18. The appellants are of the opinion that the works would be beneficial because they would provide ‘appropriate kitchen facilities to meet the modern-day needs of the 21st century’ and also allow under-utilised space to be better integrated. However, the continued viable use of the property as a residential dwelling is not dependent on the proposed works as the building has an ongoing residential use that would not cease in its absence. Consequently, I have no evidence before me to suggest that any public benefit would outweigh that harm. I therefore conclude that the works would fail to preserve the special architectural and historic interest of the Grade II listed building. This would conflict with paragraph 134 of the Framework and local policies insofar as they seek to implement the Act.

Conclusion

19. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole
INSPECTOR

BACK TO APPEALS PAGE
Appeal Decision

Site visit made on 19 July 2016

by V Lucas-Gosnold  LLB MCD MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 July 2016

Appeal Ref: APP/P1045/W/16/3148676
Land to the east of Derby Road, Doveridge

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Roche Enterprises Limited against the decision of Derbyshire Dales District Council.
- The application Ref 15/00886/OUT, dated 8 December 2015, was refused by notice dated 16 March 2016.
- The development proposed is outline application for up to 17 No. dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original application was submitted in outline with all matters except access and layout reserved for determination at a later date. However, prior to the determination of the application the appellant requested that both access and layout also be considered as reserved matters. The Council agreed and determined the application on that basis. I shall therefore deal with the appeal proposal on the basis that all matters are reserved.

Policy Framework and Main Issue

3. Whilst I have had regard to the local and national policies referred to by the main parties, I have specifically referred only to those which I consider to be most relevant to my Decision. I have also had regard to the legal judgements and previous appeal decisions referred to.

4. For the purposes of the development plan, the appeal site is outside of the identified settlement boundary for the village of Doveridge and is therefore in an open countryside location. Policy SF4 sets out the Council’s approach to development in the countryside. The policy seeks to restrict new development in countryside locations except in specific circumstances such as where it is an essential requirement for agriculture or forestry. Of the types of development listed none are relevant to this appeal proposal. The general thrust of policy H4 is also to restrict new development outside of settlement framework boundaries except in limited circumstances.

5. It is common ground between the parties that the Council is currently unable to demonstrate a five year supply of housing land in line with the requirements of the National Planning Policy Framework (Framework) and as such paragraph 49
is engaged. Based on the evidence before me, including previous appeal decisions, I am of the view that policies SF4 and H4 are both policies relevant to the supply of housing as they seek to control the development of housing outside of settlement boundaries. These policies are not therefore up-to-date for the purposes of paragraph 49. This finding also accords with the views of both main parties. As such, I attach limited weight to the conflict of the appeal proposal with policies SF4 and H4 and the Framework’s presumption in favour of sustainable development applies in my determination of this appeal (paragraph 14).

6. On the other hand, policy SF5 of the LP relates to the design and appearance of development. The policy seeks to ensure that new development preserves or enhances the quality and local distinctiveness of its surroundings and is well related to surrounding properties and land uses. Policy NBE8 also states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.

7. One of the core planning principles of the Framework states that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside (paragraph 17). Paragraph 58 also states, among other things, that developments should respond to local character, and reflect the identity of local surroundings. Paragraph 61 also seeks to ensure the integration of new development into the natural and built environment. In so far as policies NBE8 and SF5 of the LP are generally consistent with these policy objectives, I attach weight to them in accordance with paragraph 215 of the Framework.

8. One of the Council’s reasons for refusal also refers to the issue of surface water flooding. Whilst there is no ‘saved’ LP policy relevant to the issue of surface water flooding, the Council have referred to paragraph 79 of the Planning Practice Guidance (PPG) which states that when considering major development sustainable drainage systems should be provided unless demonstrated to be inappropriate.

9. I have therefore framed my main issue accordingly.

**Main Issues**

10. The main issues are:

- The effect of the development proposed on the character and appearance of the area; and

- The effect of the development proposed on surface water flooding on the site itself and surrounding area.

**Reasons**

*Character and appearance*

11. The appeal site is an open field, approximately 0.6 hectares in size and is laid to grass. It is situated close to the junction of Derby Road with Bell Lane. There is a small cluster of dwellings to the southern boundary of the appeal site, close to the junction. Derby Road runs along the site frontage. The site is otherwise surrounded by open fields, including the land on the opposite side of the highway.
12. The appeal proposal would see the construction of up to 17 dwellings. All matters are reserved.

13. The appellant’s Landscape and Visual Impact Assessment (LVIA) concludes that the landscape impacts of the appeal proposal would be extremely localised and limited. Whereas the Council’s study of landscape sensitivity to housing development (2015) assesses the area within which the appeal site is situated as being highly sensitive to new housing development.

14. I note that the appellant considers that the Framework promotes a more balanced approach to that taken in the Council’s study whereby a site appraisal should be undertaken to assess the likely impact as opposed to promoting the characterisation of a whole area as ‘high sensitivity’. However, the extract from the Council study provided in the LVIA shows that within the Doveridge area, specific sites have been assessed on a more individual basis (figure 3). Indeed, the appellant has referred to a site which is the subject of an approved scheme for 70 dwellings on the opposite side of the road to the appeal site and I note that this site was assessed as being of low sensitivity in the study. This suggests that the area was the subject of more than just a broad brush assessment.

15. The landscape study states that areas of high sensitivity within the south of the District predominantly related to, among other things, land which contributes to the rural character of settlements. In coming to a different view on the appeal site, the appellant’s LVIA refers to the differences between the appeal site and neighbouring fields and the more typical landscape features found within the wider Landscape Character Area (LCA) which is the ‘Needwood and South Derbyshire Claylands’ LCA and at a finer grain the site is within the Landscape Character Type ‘Settled Farmlands’. Specifically, the lack of landscape features on the appeal site itself with the exception of hedgerows and the instances of other development, including the approved scheme for 70 dwellings which has yet to be constructed.

16. The appeal site and the neighbouring fields close to Derby Road are relatively flat with open boundaries. I am in agreement with the appellant’s submitted LVIA that the appeal site and the fields in close proximity do have some features that are not typical of the LCA within which they are situated, for example they are in arable use and are larger in scale with more open boundaries.

17. However, to the west and south, the land levels rise and a low ridge of land runs along the horizon. This is a prominent feature of the area. The fields on the opposite side of the main A50 leading up to this ridge of land are generally small scale, laid to pasture and bounded by mature hedgerows and hedgerow trees. This gives the landscape an enclosed feel and these features are more typical of the LCA within which the site is situated.

18. Due to the flat open nature of the appeal site and surrounding fields and the rising topography of the area, the surrounding countryside is visible in wide and expansive views across the appeal site from several public viewpoints along Derby Road and the surrounding public footpath network close to the site. It is therefore the landscape character of the wider area with features more typical of the LCA which visually dominates and defines the rural character of the area. Notwithstanding that 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.

19. The appellant’s LVIA refers to the main A50 and the effect this has on the
landscape character of the area. The noise of the traffic is audible from the
appeal site. However, the road is situated in a cutting as it passes through the
area. It is not therefore visible and the effect it has on the character of the
area is minimal as a consequence. The appellant has also referred to other
developments including solar farms, and industrial estate and chicken sheds.
However, these are not seen within the same visual context of the appeal site
due to the separation distances involved and they are screened from view due
to the extensive hedgerows and trees along field edges.

20. There are a small handful of dwellings clustered close to the appeal site and the
junction of Derby Road with Bell Lane. However, the number of the dwellings
is limited and the area is otherwise surrounded by open fields and views of the
wider countryside beyond. Small groups of dwellings are common features in
rural areas and not necessarily an indication that one is approaching a
settlement.

21. The village of Doveridge is approximately 12 minutes’ walk away from the
appeal site. However, there are several landscape features which serve as a
form of visual and physical separation between the appeal site and the main
built up area of the village. Specifically, there are open fields between the
appeal site and the village and densely wooded areas either side of Derby Road
to the north of the appeal site.

22. I am aware that planning permission for 70 dwellings has been granted on
fields on the opposite side of the road to the appeal site and this will extend the
developed part of village in the direction of the site. However, that scheme will
stop some way short of where the appeal site is situated and it will not be
directly opposite. The scheme is also situated on the opposite side of the
dense grouping of trees and this will serve to contain the development and
serve as a form of natural screening. The dense area of woodland at the same
point on the opposite side of the road runs along the northern boundary of the
appeal site between it and a neighbouring crane hire business. These trees, in
combination with those on the opposite side of the road, act as a strong natural
feature that marks the transition from the rural open countryside to the more
developed parts of the village beyond. The appeal site is therefore at a key,
transitional point in the streetscene where the character of the area changes.

23. As the appeal site is situated on the other side of this dense line of trees it is
seen as visually and physically separate to the village and is instead viewed
within the distinct context of the open countryside beyond. The dense tree
screening that exists between the village and the small cluster of existing
dwellings close to Bell Lane also enhances the rural character of the area close
to the appeal site and contributes to the remote, rural feel which is quite
different to the more developed character of Doveridge when walking further
along Derby Road in the direction of the village.

24. Whilst the appeal site may not be the subject of any formal landscape
designation, the contribution that an area of land makes to the character and
appearance of an area is a relevant planning consideration nonetheless. In this
case, given the circumstances I have described, the appeal site in its current form does make a highly positive contribution to the character of the area.

25. The proposed development of up to 17 dwellings 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. Whilst the proposal is in outline and therefore less than 17 dwellings could be constructed on the site, it would nonetheless result in a significant addition to the level of built development at this point along Derby Road that would not reflect the scale of the existing small cluster of rural dwellings. The proposal would also be situated at a transitional point in the streetscene and the location and level of built development proposed would be significantly harmful to the rural character of the area and it would also weaken the strong natural feature in the form of the extensive mature trees which currently marks a natural boundary to the developed extent of the village. Whilst the effects of the proposal may well be localised, they would be significantly harmful nonetheless.

26. The appellant’s LVIA concludes that the visual impacts of the appeal proposal would be extremely localised and limited. The appeal site due to its flat topography and open boundaries (other than to the north where the line of trees is situated) is highly prominent in several public viewpoints. Of those referred to in the appellant’s LVIA, I consider viewpoints 1, 2, 3, 4 and 5 to be most significant.

27. Viewpoint 5 is taken from a footpath that is situated to the south of the appeal site and runs in an approximate east to west direction in the fields closest to the site. From this perspective the fields are flat and whilst the rear elevations of the small group of dwellings next to the appeal site are visible, other views of development are generally screened by extensive groups of mature trees when looking in the general direction of the village. This viewpoint therefore has a highly rural feel as one walks through the arable fields in the direction of the appeal site.

28. Viewpoints 3 and 4 are both taken from Derby Road at either side of the appeal site. Again, views of the appeal site and the expansive countryside beyond are prominent from both directions. The small cluster of dwellings is seen as a limited amount of development, separate to the village as a consequence of the dense line of trees to the north of the site.

29. Viewpoints 1 and 2 are taken from a public footpath which crosses fields on the opposite side of Derby Road. Whilst there are mature trees in the field and hedgerows that screen some views, as the field is slightly undulating in nature the appeal site is prominent in direct views at several points along the footpath when walking towards the appeal site. I accept that the approved scheme for 70 dwellings to the north of this footpath will result in built development being in closer proximity to the footpath than is the case presently. However, the rooflines of buildings within the village are already visible from the footpath in that direction and the alignment of the path results in the view being focused to the east in the direction of the appeal site and the wider countryside beyond.

30. The LVIA acknowledges that views of the development proposed would be largely uninterrupted from viewpoints 3, 4 and 5 and that the proposal would prevent views of the farmland beyond the site. The LVIA also states that from viewpoint 2, there are less obstructions to the views of the site.
31. From all that I have read and observed during the site visit, I am in agreement with the Council that the appeal site is in a very visually prominent location when viewed in the round from the highway and public footpath network. I have previously found that the appeal site in its current form makes a highly positive contribution to the character and appearance of the area and that the development proposed would be significantly harmful in this respect. For these reasons, I consider that the appeal proposal would have a significantly harmful effect on the visual amenity of the area when seen from the viewpoints that I have described. Whilst landscaping and other matters are reserved at this stage, there is little specific evidence before me to suggest that a scheme could be provided that would suitably mitigate the visual impact of the proposal even over the longer term. Whilst I accept that the effect of the proposal on visual amenity would be localised, it would be significantly harmful nonetheless.

32. Accordingly, I conclude on this main issue that the development proposed would be harmful to the character and appearance of the area. It would therefore conflict with policies NBE8 and SF5 of the LP and paragraphs 17, 58 and 61 of the Framework (as set out in my Decision above).

Surface water flooding

33. One of the Council’s reasons for refusal was that insufficient information was submitted with the original application regarding the effect of the proposed development on surface water flooding on the site itself and the surrounding area. The local drainage authority was consulted on the application and objected to it on the grounds that further information was required.

34. The appeal site is within flood zone 1 which is defined as land with a low probability of flooding. It is approximately 0.6 hectares in size. Whilst I note that several third parties have submitted photographs of the appeal site with standing water on it that is not a unique situation regarding fields in the countryside particularly during prolonged periods of rain during the winter months. I did observe a stone structure that may have been a stone trough on the site during the site visit which a third part has referred to. This was covered in overgrown nettles and appeared to have been disused for some time. However, there is no firm evidence before me to suggest that this stone structure is located over a natural spring. Furthermore, there is no specific evidence before me to suggest that the appeal site has critical drainage problems as notified by the Environment Agency.

35. Accordingly, there is no firm evidence before me to suggest that a suitable drainage scheme could not be accommodated on the appeal site nor that such a scheme would be inappropriate. Furthermore, the appeal proposal falls to be considered with all matters, including layout, reserved. The scheme also proposes up to 17 dwellings, with the appellant having indicated that the amount of development proposed is flexible up to the maximum number of units stated. There is therefore likely to be sufficient flexibility within the proposal in order to accommodate a suitable drainage scheme on the site to ensure that the development proposed would not be harmful with regard to surface water flooding on the site and within the surrounding area.

36. Paragraph 203 of the Framework is clear that it should be considered whether otherwise unacceptable development could be made acceptable through the use of conditions. In this case, I consider that a suitably worded condition
requiring a drainage scheme to be submitted to and agreed in writing by the local planning authority would have overcome the concerns identified.

37. I therefore conclude on this main issue that the development proposed would not have a harmful effect on surface water flooding on the site itself and surrounding area. The proposal would therefore not conflict with paragraph 79 of the PPG (as set out in my Decision above).

Other Matters

38. Notwithstanding the conflict with policies SF4 and H4 of the LP, in light of the Council being unable to demonstrate a five year supply of housing land, the additional dwellings that would be constructed as a result of the appeal proposal is a matter that weighs in favour of the appeal proposal. The proposed affordable housing contribution is also a matter which weighs in favour of the scheme.

39. There would also be some moderate economic benefits associated with the construction phase of the proposal, the likely contribution of future occupants should they choose to purchase goods and services in the village or surrounding area, and the New Homes Bonus and Council Tax receipts. I also attach modest weight in favour to the social benefits should future occupants use local goods and services as this would be likely to enhance and maintain the vitality of the rural community to a limited extent. Although landscaping and layout are reserved matters, it is also possible that some modest environmental enhancements could be achieved through the enhanced planting of native hedgerows.

40. There are a range of services and facilities including a school, shop and club in the village of Doveridge that are accessible from the appeal site, being within easy walking distance. Whilst there may only be a paved footpath on one side of the road for sections of this walk, this is a common feature of pavements within rural areas and during the site visit I was able to cross Derby Road myself in order to access the pavement without undue difficulty. There are also streetlights along at least one side of the road between the site and the village. There is an hourly bus service which future occupants would be able to use to travel to the larger settlement of Uttoxeter and Burton on Trent where a wider range of services and facilities, including employment opportunities, would be accessible. Needing to walk a short distance to access a bus stop is not an unusual situation, even in urban areas, and a walk of around 10 minutes would be likely to be considered acceptable by most future occupants of the development proposed. For these reasons, I consider that the appeal site is in an accessible location.

41. Based on the information before me, the effect of the development proposed on biodiversity, the living conditions of neighbouring occupants, access and parking would not be harmful subject to details that would form part of any subsequent reserved matters application and appropriate conditions where necessary. Whilst I note the concerns of local residents regarding the effect of the appeal proposal on the existing infrastructure of the village and surrounding area, including schools, healthcare providers and traffic levels, there is no firm evidence to indicate that the development proposed would be harmful in this regard.
42. I am also required to consider the effect of the proposal on the setting of heritage assets. There is a Grade II* Listed Building (LB) on the opposite side of Derby Road to the appeal site. The site is separated from it by an expansive area of parkland associated with the LB. The appeal site is therefore well screened from the LB and there is little intervisibility between them. I am therefore satisfied that the development proposed would preserve the setting of the LB.

**Conclusion**

43. Drawing matters together, I have identified several positive factors that weigh in favour of the appeal proposal. Specifically, the appeal scheme would contribute to the supply of housing in the area (including affordable housing provision) and the appeal site is in an accessible location. There would also be some moderate economic, social and environmental benefits which I have identified that weigh in favour of the proposal. I have therefore had regard to the Framework’s presumption in favour of sustainable development in coming to a view on the appeal proposal.

44. I have also identified several neutral factors whereby a lack of harm does not weigh in favour of the appeal scheme. These include that the development proposed would not be harmful to surface water flooding, biodiversity, living conditions, access and parking and that it would preserve the setting of the nearby LB.

45. On the other hand, I have found that the appeal proposal would be significantly harmful to the character and appearance of the area for the reasons I have described. I conclude that the magnitude of this harm does significantly and demonstrably outweigh the benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.

46. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*V Lucas-Gosnold*

INSPECTOR