4 July 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 12 July 2016 at 6.00pm the Elim Pentecostal Church, Waterside Park, Waterside Road, Ashbourne DE6 1DG

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the Elim Pentecostal Church at 1:45pm 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 – 29 June 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](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 16/00182/OUT (Site Visit)
Residential development of up to 22 dwellings at Old Hall Farm, Barway, Marston Montgomery.

4.2 APPLICATION NO. 16/00739/OUT (Site Visit)
Residential Development of up to 85 Dwellings Including Access (Outline) at Land off Derby Road, Doveridge.

4.3 APPLICATION NO. 16/00355/FUL (Site Visit)
Erection of 6 No. Bungalows and Associated Garages at Rick Yard Orchard, Church Lane, Brailsford.

4.4 APPLICATION NO. 16/00110/REM (Site Visit)
Erection of agricultural workers dwelling at Land off Atlow Lane, Atlow.

4.5 APPLICATION NO. 16/00016/FUL (Site Visit)
Change of use of outbuilding to holiday let and incorporation of land into domestic curtilage (retrospective) at Parkfield House Farm, Kniveton Lane, Offcote.

4.6 APPLICATION NO. 15/00573/FUL
Erection of 5 dwellings at Town End Farm, Clifton.

4.7 APPLICATION NO. 16/00129/FUL
Change Of Use And Conversion From Hotel To House In Multiple Occupation Incorporating 6 Flats (Use Class C4) And 2 Commercial Units Under Flexible Uses (Use Classes A1, A2, A3, A4 And D2) at The Red Lion Hotel, Market Place, Wirksworth.

4.8 APPLICATION NO. 16/00130/LBALT
Alterations To Form House In Multiple Occupation Incorporating 6 Flats, An Additional Flat And Commercial (Flexible )Uses at The Red Lion Hotel, Market Place, Wirksworth.

4.9 APPLICATION NO. 16/00307/FUL
Erection of a dwelling at The Old Cottage, Main Street, Kirk Ireton.
4.10 APPLICATION NO. 16/00316/FUL

Demolition of agricultural building and erection of dwelling at Wallands Farmhouse, Brassington Road, Brassington

4.11 INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS.

5 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:
Section 0  

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

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

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

SITE VISITS  
Members will leave the Elim Church, Ashbourne at **1.45pm prompt** for the following site visits:

2.05pm **APPLICATION NO. 16/00182/OUT**  
OLD HALL FARM, BARWAY, MARSTON MONTGOMERY.  
To appreciate the relationship of the site to the open countryside and existing buildings.

2.50pm **APPLICATION NO. 15/00739/OUT**  
LAND OFF DERBY ROAD DOVERIDGE  
At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment.

3.45pm **APPLICATION NO. 16/00355/FUL**  
RICK YARD ORCHARD, CHURCH LANE, BRAILSFORD.  
At the request of Officers to allow members to fully appreciate the site context.

4.15pm **APPLICATION NO. 16/00110/REM**  
LAND OFF ATLOW LANE, ATLOW.  
At the request of Officers to enable Members to assess the impact of the agricultural workers dwelling on its surroundings & to consider whether it is of an appropriate scale.

4.35pm **APPLICATION NO. 16/00016/FUL**  
PARKFIELDS HOUSE FARM, OFFCOTE.  
At request of officers to enable members to assess the impact of the development on the local landscape and the amenity of the occupants of the neighbouring barn conversion dwelling.

5.00pm **RETURN TO ELIM PENTECOSTAL CHURCH 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
16/00182/OUT

### SITE ADDRESS:
OLD HALL FARM, BARWAY, MARSTON MONTGOMERY

### DESCRIPTION OF DEVELOPMENT
RESIDENTIAL DEVELOPMENT FOR UP TO 22 DWELLINGS

<table>
<thead>
<tr>
<th>CASE OFFICER</th>
<th>MR. G. A. GRIFFITHS</th>
<th>APPLICANT</th>
<th>MR. JONATHAN WILDOOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARISH</td>
<td>MARSTON MONTGOMERY</td>
<td>AGENT</td>
<td>PLANNING DESIGN PRACTICE</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>CLLR. A. MORLEY</td>
<td>DETERMINATION TARGET</td>
<td>15 May 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>MAJOR APPLICATION / DEPARTURE FROM DEVELOPMENT PLAN</td>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>TO APPRECIATE THE RELATIONSHIP OF THE SITE TO THE OPEN COUNTRYSIDE AND EXISTING BUILDINGS</td>
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### MATERIAL PLANNING ISSUES
- Principle / planning policy context;
- Impact on heritage assets and features of archaeological interest;
- The appropriateness of the amount of development and the sustainability of the location;
- Impact on the local landscape;
- Impact on the character and appearance of the locality;
- Highway matters;
- Drainage matters;
- Nature conservation;
- Impact on neighbours amenity;
- Affordable housing and housing mix

### RECOMMENDATION
Approval
1. THE SITE AND SURROUNDINGS

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

2.1 Outline planning permission, with all matters reserved, is sought for 22 dwellinghouses. The original scheme proposed for up to 30 dwellinghouses has been considered too much within the parameters and the sensitivities of the site and the applicant has therefore agreed to reduce the number of dwelling units. This includes the likely demolishing of the existing modern and traditional buildings to facilitate elements of the new development.

2.2 The applicant, further to discussions with Officers, proposes that the development would be created within three character areas. These would be potentially subject to variance but would be expected to be as follows:

2.3 The development would be accessed off Riggs Lane/Barway. The access will run up through the site with the access road passing just to the east of Old Hall Farm House. The homes are proposed to be located within the areas defined by the Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August (2015) as being of either low sensitivity or within the defined village boundary area. Gardens are proposed to extend into some of the land identified as being of medium landscape sensitivity as indicated on the submitted plan. In order to facilitate appropriate development there may be occasion to include a few small garages towards the northern end of the area of medium sensitivity within the area identified as garden land. The overall aim is for this area to be gardens with pasture beyond. The boundary between the gardens and the pasture will be appropriate “countryside” boundary treatment, providing a soft edge to the built form of the village. The development will provide up to 30% affordable housing.

2.4 The development is now proposed to consist of three areas and two landscape features:

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

Character Area 2: - Affordable housing.
This is proposed to be simple in form and character and likely to take a courtyard form to the north of Old Hall Farm on the site of the older part of the farm complex. It is advised that the type and nature of the affordable housing will reflect local housing needs and the applicant acknowledges that the District Council’s Housing Section has requested a mix of single and two storey dwellings.
Character Area 3: - Hamlet.
This is proposed in the north east area of the site and is proposed to be an informal collection of dwellings, accessed using a series of private drives which the applicant considers should reflect the informal character of the village and rural housing generally.

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

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

2.4 The applicant has submitted the following assessments:
- Phase 1 Habitat and Protected Species Survey
- Bat Dusk Emergence Survey and Tree Inspection Bat Survey
- Topographical Survey
- Flood Risk Assessment
- Highway Impact Statement
- Heritage Assessment
- Geophysical Survey

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design and Appearance of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design and Appearance Of New Housing
H12: Alternative Provision For Affordable Housing Outside Settlement Frameworks
H13: Affordable Housing Exceptional Sites In Rural Areas
NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
NBE6: Trees and Woodlands
NBE7: Features Important In The Landscape
NBE8: Landscape Character
NBE12: Affordable Housing Exceptional Sites In Rural Areas
NBE13: Trees and Woodlands
NBE16: Development Affecting A Listed Building
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
CS8: Provision Of Community Infrastructure
L6: Outdoor Playing And Play Space In New Housing Developments

Paragraphs 7, 12, 14, 17, 47, 49, 50, 56, 73, 109, 112, 118, 123, 129, 132, 133, 134, 135, 139, 144
Annex 1: Implementation Paragraphs 210, 214, 215
3.3 National Planning Practice Guidance
3.4 The ‘Setting Of Heritage Assets’ document 2015 (Historic England)
3.5 DDDC Landscape Character and Design Supplementary Planning Document (July 2007)
3.6 Draft Derbyshire Dales Local Plan (2016)
   Policy S3: Settlement Hierarchy (Marston Montgomery is within the fourth tier)
   Policy HC4: Affordable Housing
   Policy PD2: Protecting The Historic Environment

4 RELEVANT PLANNING HISTORY
None

5 CONSULTATION RESPONSES

Parish Council
5.1 - development too large and would alter the character of the village
    - concern regarding planned access and increase in traffic

Derbyshire County Council (Land Drainage)
5.2 - no objection subject to conditions with respect to provision of a sustainable drainage system and water treatment

Derbyshire County Council (Highways)
5.3 - road access is possible from Barway - full details will need to be assessed with the reserved matters application
    - have assessed the impact of the increase in traffic on the existing highway network and, given the level of development and the fact that there have been no reported collisions in the last 5 years, it would find it difficult to seek improvements
    - recommend that the lay-by is formalised as part of the development
    - provide a list of conditions and advisory footnotes which will need to be attached to any grant of planning permission.

Derbyshire County Council (Education)
5.4 - no requirement for further school places
    - Marston Montgomery primary school has capacity for 70 pupils with currently 35 pupils on the roll
    - number of pupils expected to fall to 30 during the next five years leaving a surplus of 40 places

Derbyshire County Council (Planning Control)
5.5 - no adverse impact on minerals safeguarding interest

Derbyshire Wildlife Trust
5.6 - will lead to loss of existing hedgerow
    - newts and reptiles unlikely to be affected
    - LPA should seek to conserve or enhance biodiversity
    - wherever possible hedgerows should not be incorporated in residential curtilages
    - conditions requested regarding hedgerow protection, ecological enhancement strategy, protection of breeding birds, a non-invasive species protocol for plants, a construction environmental management plan (CEMP) and a landscape and ecological management plan (LEMP).
Historic England

5.7 - as the proposal affects the setting of listed buildings, the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decision. The importance attached to setting is recognised by the Government’s National Planning Policy Framework (NPPF) and in guidance, including Good Planning Advice Note 3 - The setting of Heritage Assets (March 2015)

- the authority would need to carefully consider the potential impact of the proposed development on the setting and significance of designated and non-designated heritage assets
- draw your attention to the landscape character of the site which helps reinforce the strong contrast of the rural landscape with the historic village settlement and makes a contribution to the setting and overall significance of the Church of St. Giles
- ridge and furrow earthworks may survive within the development area and refer the authority to the advice the Development Control Archaeologist and site inspection
- the lack of expression of the extant ridge and furrow in the geophysical survey plots suggests that the lack of expression of remains surviving below cannot be relied upon as evidence of absence in this context without further intrusive investigation but defer to the advice of the County archaeological advisors in this respect
- recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the authority’s specialist conservation advice.

Development Control Archaeologist (Derbyshire County Council)

5.8 - proposed development is within a site on the Derbyshire Historic Environment Record (HER 23020) relating to an extensive area of earthwork ridge and furrow identified during fieldwork in 1993.

- within the proposal site itself there seem to be some shallow (poorly preserved) earthworks in the eastern part, but no clearly visible earthworks in the south-western corner between Old Hall Farm and Riggs Lane
- the development would represent a loss of a small part of the least well-preserved earthworks within a much larger HER record (perhaps 1ha of the 21ha total) – this would represent a very minor loss of significance to an undesignated heritage asset which is perhaps of low regional significance because of the large area of undisturbed earthworks present east of the village
- in terms of below-ground archaeology the site has moderate potential because of its proximity to the medieval village core and retains potential for medieval settlement remains (despite existing farm buildings which reduce the likely levels of archaeological survival)
- the applicant has submitted the results of a geophysical survey for this area and identified no archaeological features beyond a former field boundary of post-medieval date: this appears to preserve the line of the former medieval strip fields and may therefore retain some archaeological interest.
- given the disturbed nature of the survey readings, and the sometimes ephemeral nature of medieval settlement features, it is possible that the south-western corner retains some archaeological interest
- on balance, consider that the applicant has submitted sufficient information to allow archaeological impacts to be understood in line with NPPF para 128.
- in the event that the Local Planning Authority is minded to grant consent, recommend that this archaeological interest should be addressed through a conditioned scheme of work in line with NPPF para 141.
5.9 - the site is wholly covered by Historic Environment Record (14946) which is extensive medieval ridge & furrow
- closest listed buildings are the II* church of St Giles (and table tomb, lychgate and walling) and Peal Bank Farm (II). Other listed buildings are the Manor House (II*), Manor Cottage (II), Betwixt (formerly Rose) Cottage (II) and Dove House (II).
- with regard to the medieval ridge and furrow advice should be sought from the Development Control Archaeologist.
- the primary designated heritage assets are the parish church and Pearl Bank Farm - with regard to the latter this is to the north west of the proposed site and is unlikely to be affected given its relative location etc. beyond the parish church.
- considered that the principal matter for consideration is the degree of harm that the development may have on the setting of the parish church and whether this is substantial harm or less than substantial harm.
- whilst matters of layout and house type/form and materials are all reserved matters, the proposed number of dwellings may have an impact on views of the parish church.
- in relation to the topography of the site and existing roads, trackways and footpaths, existing views of the church, from the site and its surrounds, are limited to only a few glimpses or vistas over hedges and through the evergreen trees within the churchyard - whilst the church building occupies a high point in the village, this is relative to the general low, undulating topography of the area.
- the church building is relatively diminutive in scale and has a squat bell turret rather than a spire or tower - views and glimpses of this from the eastern side of the village are minimal, its greater visual/physical impact being to the west of the village where it has a more intimate relationship with the built fabric of the village core.
- between the church and the application site is part of the churchyard, the green lawned curtilage of ‘Yewdene’ and the access track to Old Hall Farm - this provides a sense of separation from the Church and the proposed development site and provides and maintains an existing spatial experience between the two.
- whilst the proposed development is considered to have some impact on views/vistas of the church, it is considered that the impact on its setting (particularly through layout and building form – all to be assessed through the reserved matters) would not constitute substantial harm.
- the proposal must therefore be considered to constitute less than substantial harm and the consequential issue of any public benefits need to be assessed.

5.10 - SHLAA Assessment identified capacity for development in the western portion of the site and that development on the eastern edge could result in adverse impacts on local landscape character and visual amenity.
- District Council provisionally agreed that site was suitable for nine dwellings.
- the application site is somewhat larger than the SHLAA site as the area containing the farm buildings has been included – this brownfield site is tightly contained with low visual prominence in the west but becoming more apparent in the east and sensitivity to housing development is likely to be medium to low.
- and impact on the landscape moderate to low.
- raise concerns with the indicative layout for 30 dwellings – the more extensive the development the more adverse impact it is likely to have.
- development provides an opportunity to create a better defined eastern edge through the planting of a belt of woodland extending along and either side of the ridgeline which would better contain a development restricted to the lower slope, screen views from the eastern approach to the village, add an additional element to the local landscape to enhance its character and provide habitat for wildlife and increase biodiversity.
Peak and Northern Footpaths Society
5.11 - no objection
- new footpath links welcomed and should be adopted or dedicated as public footpaths.

Derbyshire Dales Group of Ramblers
5.12 - no objection.

Environmental Health (Derbyshire Dales)
5.13 - no objection
- consideration should be given to operational hours during construction
- advise that a preliminary site investigation for contamination be carried out prior to the development commencing.

Strategic Housing (Derbyshire Dales)
5.14 - would wish to see all the affordable housing provided on site
- the following mix would meet local need:
  3 x 2 bed bungalows - the bungalows achieving M4(3) wheelchair user of the building regulations
  2 x 2 bed 4 person houses
  2 x 3 bed 5 person houses

- note that there are no 2 bed houses on the outline scheme, but these would be required
- the tenure of these 7 homes should be social rent, owned and managed by a housing association
- the homes would not have local connection criteria attached, and could therefore meet housing need from across the District
- keen to see higher levels of internal floor areas and storage, which are key issues for future occupants, as set out in 'Technical Housing Standards - Nationally Described Space Standards' (March 2015).

6 REPRESENTATIONS RECEIVED

6.1 A total of 28 representations have been received objecting to the proposal. A summary of the representations is outlined below:

- unsustainable village – church, public house, village hall and primary school are the only services/facilities and future occupants would be heavily reliant on the private motor vehicle
- village is a fourth tier settlement under Policy S3 of the Draft Local Plan with limited scope for development – should locate development in larger villages which have better facilities and are more accessible
- 30 dwellings is not in accordance with the principle of promoting sustainable development
- will put a massive strain on local infrastructure
- village over 2 miles away from a main road
- would represent a 30% - 40% increase in the village of around 100 dwellings and out of proportion to the village size and with overwhelm the village and residents
- impacts on highway safety – village has limited carriageway widths and little footway provision
- have been a number of vehicle accidents
- significant amount of agricultural traffic
- dangerous part of the lane
- traffic survey conducted at inappropriate time
- roads in poor condition in winter months
- Riggs Lane used regularly by groups of walkers/cyclists/horse riders
• query findings of the Transport Assessment and comparisons with larger village
devolution in the form detailed will have effects on the quality and distinctiveness of the surroundings
• would replace characteristic open pasture and boundary features with residential development at odds with the defining countryside characteristics of the countryside setting of the village
• creation of the access would entail removal of a section of hedge with a corresponding sub-urbanising influence on the existing character of Barway/Riggs Lane
• some older, traditional buildings could be redeveloped which would be wrong to lose
• aware of a small development of 9 dwellings behind the school – this is a sensible proportion of dwellings for a small village and the village would have done its bit to comply with the national housing quota
• unspoilt, idyllic village surrounded by beautiful green belt countryside
• will risk opening the floodgates to further development
• will create undue noise, disruption and inconvenience to local residents over several years
• loss of wildlife
• possibility of flooding neighbouring property
• flood risk assessment has seriously misunderstood the scale of flooding
• who will maintain the balancing pond
• concern that the community grass area for children to play on is also the drainage point for the entire field
• no demand for public open space and play facilities are already provided in the village
• overlooking of neighbouring property
• loss of views and light
• would wish to see buffer zone between site and neighbouring property
• loss of visual amenity to residents facing south or east on Riggs Lane due to elevated gradient of the site
• would support a limited scheme for the conversion of the farm buildings
• concern that two applications have been allocated to two separate case officers – where is the strategic direction.

6.2 A total of 4 representations have been received supporting the application. A summary of the representations is outlined below:

• family have lived in the village since 19th century - since leaving, the village has changed significantly – the post office has closed and there is no longer a bus service, several new houses have been built and village farm buildings converted
• note that school is not attended to capacity – families coming into the village would help to retain it
• village must have been historically in a state of change
• no-one likes change but feel that for the village to survive it has to accept new residents who will require housing
• understand some affordable houses will be allocated to village residents or those with village connections – this has to be good as many young people who lived in the village in the 1950s and 1960 had to move away to secure jobs, leaving the village with many elderly and retired residents
• increasing national population means that have to accept more housing
• feel proposal would bring new life to the village
• had to leave village when decided to purchase own property due to lack of affordable housing for first time buyers
• would be interested in relocating back if there was more affordable housing
• if developments will provide affordable housing to young families with children, then this may hopefully refresh and reboot the village and boost school numbers
• fortunate to have lived in one of the 12 Council houses built in the 1960’s – similar concerns then with respect to pressure on road access
• remember the village with a thriving farming community - new age of country dwellers have emerged to convert farms and workers cottages into luxury homes or demolished the row of cottages to create attractive, modern detached houses
• new parents may be keen to support local village projects and activities without the need for organisers to request volunteers.

7 OFFICER APPRAISAL

Principle / planning policy context

7.1 Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to the different components of the development plan.

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

7.3 On the basis that the District Council is unable at this time to demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF), Paragraph 49 advises that policies for the supply of housing should not be considered up to date and applications for housing applications should be considered in the context of the presumption in favour of sustainable development. Recent appeal decisions have confirmed this position, in 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.

7.4 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 or specific policies in the Framework indicate development should be restricted. In this case, this means that Footnote 9 to the latter part of the paragraph is engaged. Here it identifies that where policies relating to heritage assets are to be considered, this is a circumstance where the latter test applies and therefore the presumption in favour would not apply. The remainder of this report will analyse the scheme against this policy requirement and the starting point has to be a presumption against harm to heritage assets.

7.5 Within the National Planning Policy Framework at paragraph 17 are a series of core planning principles. They state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, recognise the intrinsic character and beauty of the countryside, support the transition to a low carbon future in a changing climate, taking full account of flood risk, allocate land for development on land of lesser environmental value and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, amongst other considerations.
Paragraph 58 of the NPPF advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) align with this guidance.

Whilst having little weight at present, there are policies in the Draft Local Plan which should be noted. Policy S3: Settlement Hierarchy defines Marston Montgomery as a Fourth Tier settlement (accessible settlements with minimal facilities). These have a very limited range of employment, services and facilities. In this respect, development would be limited to that needed to maintain existing services and facilities and meeting the housing needs of the settlement and, therefore, there is limited scope for development. Development on a large scale would be unsustainable in such villages, as this would generate a disproportionate number of additional journeys outside the villages. Also of relevance is Policy PD2 which seeks to protect the historic environment and Policy HC4 which seeks to secure 30% affordable housing provision as part of any residential development.

Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and the consultee and public comments received the key themes that emerge are:

i) the impact on heritage assets and features of archaeological interest;
ii) the appropriateness of the amount of development and the sustainability of the location;
iii) the impact on the local landscape
iv) the impact on the character and appearance of the locality;
v) highway matters;
vi) drainage matters;
vii) nature conservation
viii) Impact on neighbours amenity; and
ix) affordable housing and housing mix,

Impact on heritage assets and features of archaeological interest

It should be noted that the existing Policies within the Adopted Local Plan (2005) which relate to heritage assets are not out of date as they remain broadly consistent with guidance contained within the NPPF.

In terms of the impact of the development on the setting of the listed buildings, the primary legislation is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the Act states:

1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.
7.11 Therefore when considering development which may have an impact upon the setting of a listed building, the NPPF advises that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.12 The ‘Setting Of Heritage Assets’ (Historic England – 2015), as noted above, confirms on page 2 that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and that this extent is not fixed and the document goes on to confirm that the setting of a designated heritage asset can contribute to its significance. In this case, part of the setting of the Grade II* listed church is its relationship to the Old Hall Farm (not listed) and how the agricultural land can still be understood and read within its proximity. On assessment, it is considered that the setting of the Grade II* Manor House, to which Historic England also refer in their response, and Pearl Bank Farm, will not be affected given that their relative locations beyond the Church.

7.13 It is considered that development in this area proposed will lead to some harm to the setting of the Church given that it is proposed that the development would be an intervention between the Church and the open countryside and that existing views of the Church from the Barway, and the public footpath to the east of the application site, would be interrupted to some degree with the development proposed. Historic England therefore advises that the District Council needs to carefully consider the potential impact of the proposed development on the setting and significance of the designated asset and draw particular attention to the landscape character of the application site which helps reinforce the strong contrast of the rural landscape with the historic village settlement and which makes a contribution to the setting and overall significance of the Church.

7.14 Historic England draw attention to there being evidence of ridge and furrow earthworks in the area which is a product of open, medieval farming. The Development Control Archaeologist (DCA) has assessed the site and advises that the application site is within a site on the Derbyshire Historic Environment Record (HER 23020) relating to an extensive area of earthwork ridge and furrow. The HER record covers almost 21ha to the east and north of the village, and more recent aerial photography suggests that most if not all of this resource is still extant.

7.15 Preservation of the ridge and furrow resource is variable within the HER record: moderately well-preserved earthworks are visible on aerial photographs, and on the ground from Riggs Lane, immediately east of the proposed development boundary. Within the proposal site itself there seem to be some shallow (poorly preserved) earthworks in the eastern part, but no clearly visible earthworks in the south-western corner between Old Hall Farm and Riggs Lane. In terms of the earthwork ridge and furrow resource, therefore, the development would represent a loss of a small part of the least well-preserved earthworks within a much larger HER record (perhaps 1ha of the 21ha total). This would, according to the DCA, represent a very minor loss of significance to an undesignated
heritage asset which is perhaps of low regional significance because of the large area of undisturbed earthworks present east of the village.

7.16 Given the above, it is not considered that the landscape will retain a significant sense of historic interconnection with the village and its church. In this respect, it is considered that the principal matter for consideration is the degree of harm that the development would have on the setting of the Church and whether this is substantial harm or less than substantial harm.

7.17 Whilst matters of layout and house type/form are all reserved matters, the proposed number of properties may interrupt views of the heritage asset (St. Giles Church). However, in relation to the topography of the site and existing roads, trackways and footpaths, existing views of the Church from the site and its surroundings are limited to only a few glimpses or vistas over hedges and through the evergreen trees within the churchyard. In essence, whilst the Church building occupies a high point in the village, this is relative to the general low, undulating topography of the area.

7.18 The Church building is relatively diminutive in scale and has a bell turret rather than a spire or tower. Views and glimpses of this from the eastern side of the village are minimal, its greater visual/physical impact being to the west of the village. Between the Church and the application site is part of the churchyard, the green lawned curtilage of Yewdene and the access track to Old Hall Farm. This provides a sense of separation from the Church to the proposed development site and provides a spatial experience between the two.

7.19 Therefore, whilst the proposed development is considered to have some impact on views/vistas of the Church, it is considered that the impact on its setting (particularly through layout/building form assessment through the reserved matters) would not constitute substantial harm. On this basis and assessment, the application must therefore be considered to constitute less than substantial harm and the issue of its public benefits need to be assessed.

7.20 The courts have interpreted the legislation relating to heritage assets as having a presumption against harm to the significance of the heritage asset unless strong material factors override this. Paragraph 134 of the NPPF sets into policy the arguments that need to be weighed. In this respect, the development will provide dwellings to assist in sustaining the village’s facilities, such as the school and public house, and will provide affordable housing to meet an identified local need. The development will serve to introduce benefits to making use of a site, that whilst not brownfield given its agricultural nature, nevertheless has a degree of intrusive farm buildings which would be replaced by a more considered form of development and landscaping. The proposals would also introduce a public area of open space adjacent to the road and to the south east of the Church which would maintain the setting of the Church and contribute to the streetscene. In this regard, it is considered that the development would not significantly compromise the setting of the Church, and that the scheme proposed would deliver material benefits to the village that would outweigh the assessment of less than substantial harm to its significance.

7.21 In terms of below-ground archaeology, the DCA considers that the site has moderate potential because of its proximity to the medieval village core. This is likely to lie between St Giles’ Church and the medieval manor site c150m to the west. The place name ‘Old Hall Farm’ probably reflects an ownership link with the 16th/17th century Manor House in the village, rather than an additional hall site. It does nonetheless suggest that the farm is of early origin. The south-western corner of the site, between Old Hall Farm and Riggs Lane, has no ridge and furrow visible on aerial photographs, and may therefore have been within the medieval village rather than the open field. The part of the site north of Old Hall Farm is within 40m of the church, and 15m of the 17th century Pearl Bank House, and
therefore retains potential for medieval settlement remains (despite existing farm buildings
which reduce the likely levels of archaeological survival).

7.22 To assess archaeological potential in the southern (open) part of the site, the applicant
has submitted the results of a geophysical survey for this area. This has identified no
archaeological features beyond a former field boundary of post-medieval date: this
appears to preserve the line of the former medieval strip fields and may therefore retain
some archaeological interest. The survey in the south-western corner is disrupted by
modern services, but the visible areas have no obvious indicators of medieval settlement
archaeology. Given the disturbed nature of the survey readings, and the sometimes
ephemeral nature of medieval settlement features, it is possible that the south-western
corner retains some archaeological interest. The archaeological potential around and to
the north of Old Hall Farm has not at present been assessed, due to the existing farm
buildings.

7.23 On balance, the Development Control Archaeologist considers that the applicant has
submitted sufficient information to allow archaeological impacts to be understood in line
with NPPF para 128. The proposal will involve very minor harm to a regionally significant
earthwork ridge and furrow resource. The south-western corner of the site, and the area
around and to the north of Old Hall Farm, retain a moderate level of archaeological
potential in relation to the medieval village. In this respect, it is recommended that this
archaeological interest should be addressed through a conditioned scheme of work in line
with NPPF para 141. This would involve archaeologically controlled strip-and-record
excavation in the south-western corner (proposed balancing area and access), sample
excavation of the early field boundary feature, and trial trenching to establish significance
following the clearance of farm buildings around Old Hall Farm, followed by target
evacuation of areas where significant remains are identified.

The appropriateness of the amount of development and the sustainability of the location

7.24 Marston Montgomery has been identified a fourth tier settlement in the Draft Local Plan,
which is at an early stage in the plan making process and can be afforded very limited
weight. However, the preamble to Policy S3 of the Draft Local Plan identifies that
development can contribute to maintain the distinctive character and vitality of rural
communities, can provide some support for existing services and facilities and also enable
affordable housing to be provided to meet local needs. Policy S3 recognises that
settlements such as Marston Montgomery have very limited services and facilities and few
employment opportunities and that development will be limited to that needed to help
maintain the existing facilities and services and to meet the housing needs of the
settlement.

7.25 In this case, the site is well related to the village and is within walking distance of the all
the existing village amenities, including the school, hall and public house. There is a desire
within the village to see some housing growth to help support the school and public house
and nine dwellinghouses have been recently approved at Thurveston Road (planning
permission 16/00099/FUL). The level of development proposed at the application site is a
further 22 houses and would, it is considered, represent an acceptable level of expansion
of the existing village in terms of helping to sustain/maintain its viability without constituting
disproportionate growth which could be unsustainable given the dependence on other
settlements for jobs and services.

Impact on the local landscape

7.26 Policy NBE8 of the Adopted Derbyshire Dales Local Plan seeks to protect the character of
local landscapes. Planning Inspectors have in recent appeal decisions concluded that it
should only be afforded limited weight as it is at odds with the Frameworks more balanced
approach to determining planning applications. The Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognised the importance of fully considering the impact of development on landscape character, which he recognised as an important material consideration in decision-making, even outside areas with statutory protection. The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the area, within which the site is located as being of low sensitivity to the west rising to high sensitivity east in terms of the ability of the landscape to accommodate new housing development. The assessment does not, however, rule out residential development in such locations. It requires each site to be individually appraised.

7.27 The District Councils Landscape Officer has carried out an individual appraisal of the site and advises that development in the lower area of the site, and in the area where there are existing farm buildings, would represent a modest intrusion into open countryside. The applicants have now defined an area in which Officer’s consider that development would be appropriate and which can accommodate up to 22 dwellings with built form contained in the low sensitivity part of the site, possible curtilages extending into the medium sensitivity area, but with mitigating landscaping and no development on the upper, high sensitivity area.

Impact on the character and appearance of the locality

7.28 The National Planning Policy Framework is a material planning consideration in development management decisions and states in respect of design that development should add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings. It is recognised that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

7.29 The application details submitted indicate that it is proposed to erect detached dwellings adjacent to Barway, as a reflection of existing dwellinghouses in this particular area. It is proposed that the development to the north of the site would contain the affordable housing and take on a more pseudo-agricultural character and appearance and to the north west of the site it is proposed to have relatively low key housing forms having less detail than those proposed off Barway. There are also proposed to be landscaped areas and boundary treatments to serve to contribute to the setting of the built form. Whilst the details have not been fully presented, it is considered by Officers that up to 22 no. dwellings could be reasonably accommodated on the site in these character areas and that the above design principles are reasonable to start to inform the layout, design and scale at the reserved matters stage such that the development can be successfully assimilated in this edge of village context.

Highway matters

7.30 The Local Highway Authority has confirmed that road access is possible from Barway, albeit full details will need to be assessed with the reserved matters application. It has also assessed the impact of the increase in traffic on the existing highway network and, given the level of development and the fact that there have been no reported collisions in the last 5 years, it would find it difficult to seek improvements. However, it is recommended that the lay-by is formalised as part of the development. Given the above, the Local Highway Authority provided a list of conditions and advisory footnotes which will need to be attached to any grant of planning permission.
Drainage matters
7.31 The applicant has submitted a Flood Risk Assessment and Drainage Strategy which has been assessed by the Land Drainage Authority and has raised no in principle objections to the proposal. It is advised that, whilst there is reference to surface water treatment through SuDS, there are no plans for treatment stages other than an attenuation pond before discharging to a watercourse. In this respect, conditions are required with respect to a sustainable surface water drainage system and that this includes water treatment stages.

Nature Conservation
7.32 Derbyshire Wildlife Trust has assessed the proposal and raises no specific objections or implications for protected species. It is noted that the proposals will lead to loss of existing hedgerow but any development proposals will need to provide replacement planting and to supplement this. There are such opportunities for new planting along the eastern boundary of the site albeit, and wherever possible, hedgerows should not be incorporated in residential curtilages. In this respect, it is requested that conditions regarding hedgerow protection, ecological enhancement strategy, protection of breeding birds, a non-invasive species protocol for plants, a construction environmental management Plan (CEMP) and a landscape and ecological management plan (LEMP) are attached to any grant of planning permission.

Impact on neighbours’ amenity
7.33 Concerns have been raised with regard to the proximity of the proposed development to existing dwellings. However, it is considered that reasonable distances can be achieved between existing and proposed dwellinghouses to provide adequate privacy and outlook; this would need to be addressed in considering the layout and nature of the dwellinghouses proposed as reserved matters.

7.34 Certain levels of inconvenience are often caused with the construction process. However, conditions can be attached to restrict the times in the week when the building works can be undertaken, as is commonly required for such developments. In this respect, the District Council’s Environmental Health Section have suggested that the hours of operation be limited to 8am – 6pm Monday-Friday, 8am – 1pm on Saturdays with no activity on Sundays or Bank Holidays. It is also advised that a preliminary site investigation for contamination be carried out prior to the development commencing.

Affordable housing and housing mix
7.35 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 …….”

7.36 The Housing and Economic Development Needs Assessment (September 2015) was commissioned by the District Council to inform the preparation of new policies. This seeks to ensure new housing meets the community’s needs and is set out in Policies going forward. Paragraph 6.8 of the Draft Local Plan identifies that, in taking a Community Infrastructure Levy forward in the future, that this can be achieved with a 30% provision of on-site affordable housing on residential sites.
7.37 The District Council Head of Housing has advised that there is a wish to see all the affordable housing provided on site and has advised on the expected mix and that this would include dwellings that are social rent and owned and managed by a housing association. It is advised that it would not be expected that the homes would have a local connection criteria attached, and could therefore meet housing need from across the District.

7.38 In terms of housing mix Paragraph 8.43 of the Draft Local Plan states that the provision of market and affordable 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%”. However, on small housing schemes, such as this, within a rural settlement, it may not be possible to achieve the above mix and have a development that would integrate with the character and appearance of the village. However, this provides a guide for which the developer will have to have regard in the reserved matters application to accord with Draft Policy H10: Housing Mix and Type.

Planning balance / conclusion

7.39 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.

7.40 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.

7.41 Footnote 9 of Paragraph 14 indicates where development should be resisted and this seeks to protect sites which are designated heritage assets. This has been assessed above and, whilst the proposed development is considered to have some impact on views/vistas of the Church, it is considered that the impact on its setting would not constitute substantial harm. On this basis and assessment, the application must therefore be considered to constitute less than substantial harm and the issue of its public benefits need to be assessed.

7.42 In this respect, the development will provide dwellings to assist in sustaining the village’s facilities, such as the school and public house, and will provide affordable housing to meet an identified local need. The development will also serve to introduce benefits to making use of a site, that whilst not brownfield given its agricultural nature, nevertheless has a degree of intrusive farm buildings which would be replaced by a more considered form of development and landscaping. The proposals would also introduce a public area of open space adjacent to the road and to the south east of the Church which would maintain the setting of the Church and contribute to the streetscene. In this regard, it is considered that the development would not significantly compromise the setting of the Church, and that the scheme proposed would deliver material benefits to the village that would outweigh the assessment of less than substantial harm to its significance.

7.43 As previously discussed the District Council is unable to demonstrate a 5 year supply of housing land in addition to a buffer of 20% as required by the NPPF. The development of this site will make a contribution to meeting the housing needs of the District, which lends substantial weight to supporting the scheme. The NPPF expresses support for sustainable development and, in this regard, it is good practice to address proposals for their social, economic and environmental sustainability.
7.44 The **social dimension** includes the provision of new homes and affordable homes to help meet the community housing needs and underpin other services and facilities within the village.

7.45 The **economic dimension** would be served by employment generated during construction, the maintenance of the village hall (or proposed community hall) and the benefit to existing public house from additional resident spend.

7.46 In **environmental terms** although the development would encroach into the field/open countryside to the east of the settlement, it would be largely provided on the least sensitive, lower part of the field and also to replace a rather dilapidated farmstead. Appropriate landscaping can be provided to assist in assimilating the development into the villagescape where it bounds the open countryside. It is considered that with appropriate house types and landscaping that there would be no significant harm to local landscape character. Whilst there may impact on some views of the Church, this is considered to of less than substantial harm.

7.47 In the final balance, whilst the District Council cannot demonstrate a 5 year housing supply, this does not mean that all sites put forward are acceptable. It remains entirely reasonable and proper for the Council to resist development where there is conflict with other planning guidance and adverse environmental impacts are significant. However, the impact of the development on the heritage assets is less than substantial and, when all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF, it is considered that the benefits of the scheme would outweigh the dis-benefits in this case. A recommendation of approval, subject to a legal agreement with respect to affordable housing and play space provision, is put forward on this basis.

**OFFICER RECOMMENDATION:**
Subject to the completion of a Section 106 Planning Obligation Agreement to secure 7 affordable dwellings on site and the provision of play space, planning permission be granted subject to the following conditions:

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

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

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

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

3. This permission relates to the original application documentation except as amended by the revised plans received by the Local Planning Authority on …….and except insofar as may otherwise be required by other conditions attached to this permission

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

- Parking of vehicles of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of debris being carried onto highway
- proposed temporary traffic restrictions
- arrangements for turning vehicles.

5. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local planning Authority. Once implemented, the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

7. Before any other operations are commenced, a new vehicular junction shall be formed onto Barway/Riggs Lane and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 32m in the north westerly direction and 40m in the south easterly direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in heights (0.6m in the case of vegetation) above the ground level in case of the junction relative to the adjoining nearside carriageway channel level.

8. Notwithstanding the submitted information a subsequent reserved matters or full application for this site shall include detailed designs of the internal layout of the site in accordance with the guidance contained in the “Manual for Streets” document issued by the Departments for Transport and Communities and Local Government.

9. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents and visitors, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

10. The new dwellings shall not be occupied until the proposed new estate street between each retrospective plot and the existing public highway has been laid out to conform with the County Council’s Design Guide, constructed to base level, drained and lit in accordance with the County Council’s specification for new housing development roads.

11. Prior to the commencement of development a detailed construction and demolition management plan or method statement, including the hours of construction work, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

12. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems (March 2015) has been submitted to be 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.

13. No development shall take place until such time as a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted to, and approved in writing by, the Local Planning Authority.

14. 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.

15. Condition LA13a: Landscaping to be carried out

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

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

18. Any trees proposed along the eastern boundary of the site that have potential to support roosting bats shall have a minimum of a 6m buffer from the trees to any proposed development.

19. No development shall commence until an ecological enhancement strategy has been produced that details how new bird nesting, bat roosting and native planting shall be incorporated into the scheme. Such approved measures shall be implemented in full and maintained thereafter.

20. No removal of buildings, hedgerows, trees, shrubs or brambles 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.

21. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of non-native species on the site. The measures shall be carried out strictly in accordance with the approved scheme.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities.

b) Identification of “biodiversity protection-buffer zones” to include hedgerows and trees, and other habitats as required.

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction.

d) The location and timing of sensitive works to avoid harm to habitats and species.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

23. Any reserved matters application shall include the submission of a landscape and ecological management plan (LEMP) detailing long-term design objectives for nature conservation, management responsibilities and maintenance schedules for all landscape areas which are not in the ownership of individual properties to be approved in writing by the local planning authority. The plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:

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

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

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

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

24. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

i. a survey of the extent, scale and nature of contamination;
ii. an assessment of the potential risks to:
   - human health;
- property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- controlled waters, ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

iii. an appraisal of remedial options and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

**B. Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

25. 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.

26. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
   i) The programme and methodology of site investigation and recording
   ii) The programme for post investigation assessment
   iii) Provision to be made for analysis of the site investigation and recording
   iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
   v) Provision to be made for archive deposition of the analysis and records of the site investigation
   vi) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reasons:**

1. Reason ST01a.
2. Reason ST03a
3. To define the permission for the avoidance of doubt.
4-10. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

11. In the interests of residential amenity in accordance with Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

12-14. In order to ensure appropriate drainage of the site in accordance with guidance contained within the National Planning Policy Framework.

15. Reason LA13 (in accordance with Policy SF5, H9 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework).


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

18. To ensure protection of bats in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

19. To ensure the protection and enhancements of biodiversity in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

20. To ensure protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

21. To safeguard the biodiversity of the site to comply with government guidance contained in the National Planning Policy.

22. To safeguard and enhance the biodiversity of the site to comply with government guidance contained in the National Planning Policy.

23. To safeguard and enhance the biodiversity of the site to comply with government guidance contained in the National Planning Policy.

24. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance contained within the National Planning Policy Framework.

25. 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.
26. To ensure a record of the on-site archaeology is undertaken in a satisfactory manner in accordance with policy NBE24 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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

2. Land drainage footnotes:
   • The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.
   • Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
   • The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.
   • The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council’s Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

3. Highway footnotes:
   • Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down to 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.
   • Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
   • Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – etedevelopmentcontrol2@derbyshire.gov.uk . The applicant is advised to allow
approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

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

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

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

4. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

5. It is recommended that a minimum 32mm water supply capable of delivering the required volumes to allow the installation of a domestic sprinkler system be installed for this development.

6. In accordance with the evidence base for the emerging local plan contained within ‘The Housing and Economic Development Needs Assessment (September 2015)’, in the submission of the reserved matters the housing mix of the development shall be in accordance with the following: 1-bed properties at 5%, 2-bed properties at 40%, 3-bed properties at 50% and 4-bed properties at 5%. Any alternative mix to the above will need to be appropriately justified in the reserved matters application submission.

7. This decision notice relates to the following documents:

   Site Location Plan 1:1250 received on 11th March 2016
   Parameters Plan and Statement received on 1st July 2016
   Topographical Survey received on 11th March 2016
   Design and Access Statement received on 11th March 2016
   Planning Statement received on 11th March 2016
   Heritage Assessment received on 11th March 2016
   Phase 1 Habitat and Protected Species Survey received on 11th March 2016
   Bat Dusk Emergence Survey and Tree Inspection Bat Survey received on 11th March 2016
   Flood Risk Assessment and Drainage Strategy received on 11th March 2016
   Amendments to the Flood Risk Assessment received on 4th April 2016
**APPLYING NUMBER** 15/00739/OUT  
**SITE ADDRESS:** Land off Derby Road, Doveridge  
**DESCRIPTION OF DEVELOPMENT** Residential Development of up to 85 Dwellings Including Access (Outline)  
**CASE OFFICER** Mr Chris Whitmore  
**APPLICANT** Gleeson Developments Ltd  
**PARISH** Doveridge  
**AGENT** Ms Kathryn Young  
**WARD MEMBER(S)** Cllr. Catt  
**DETERMINATION TARGET** 13th January 2016  
**REASON FOR DETERMINATION BY COMMITTEE** Major application  
**REASON FOR SITE VISIT (IF APPLICABLE)** At the request of Officers to allow Member’s to fully assess the impact of the development on the local environment  

**MATERIAL PLANNING ISSUES**  
- Planning policy context;  
- The impact of the development on the special setting of nearby listed buildings including St Cuthbert’s, a Grade I listed church and below ground archaeology;  
- Impact on what was part of the East Lawn to Doveridge Hall and the historic landscape;  
- Prematurity and the appropriateness of the amount of development;  
- Impact on the character and appearance of the locality;  
- Impact on trees and ecology, including protected species;  
- The ability of the local highway network to accommodate the level of development proposed and whether there would be any highway safety implications;  
- Residential amenity impacts for existing and proposed residents;  
- Affordable housing and housing mix;  
- Other contributions towards infrastructure, and;  
- Drainage of flood risk.  

**RECOMMENDATION**  
Approval subject to the applicant entering into a S106 to secure monies towards affordable housing, a capital project identified by the doctors surgery at Sudbury and the monitoring / policing of a travel plan and conditions.
15/00739/OUT

Land off Derby Road, Doveridge

Derbyshire Dales DC

Date: 30/06/2016

100019785
1. **THE SITE AND SURROUNDINGS**

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

1.2 The land was sold off after the breaking up of the Doveridge Hall estate in 1938. Although identified in the Historic Environment Record as former parkland to Doveridge Hall, the site has no formal designation. The north eastern edge of the site is contained by a substantial belt of trees, protected by a group Tree Preservation Order, which broadens into a block of woodland at its south eastern end (see figure 1). This was part of the long shrubbery which bounded the park on its northern and eastern sides. Beyond the block of woodland at the eastern end of the site is The Cavendish Arms, a grade II listed building. The southern edge is bounded by garden fences associated with residential properties built in the 1960s and remnants of a field boundary hedge (see figure 2). A number of large, individual mature trees, protected by Tree Preservation Orders occupy the central part of the site (see figure 3).

1.3 Hall Drive borders the western edge of the site (see figure 4). It is a narrow access track which once served Doveridge Hall and is lined with numerous mature trees and blocks of woodland and belts of trees associated with private residences and a local nursery which occupies the site of the old kitchen gardens of the Hall.

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

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

1.6 Approximately 175m to the south of the site is Petworth Lodge and a series of former stables and attached cottages, all grade II listed buildings. To the south of these buildings is a grade I listed church (St Cuthbert’s). The spire of the church can be seen in views from the site (See figure 5).
2. DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of up to 85 dwellings on the site. The application reserves all matters, other than the point of access onto Derby Lane. An indicative site layout plan accompanies the application. In its amended form it shows dwellings loosely arranged around a sweeping service road, which wraps around a large area of centrally positioned open space, which includes the individual trees protected by Tree Preservation Orders. Access is shown through an existing break in the belt of protected woodland which borders Derby Road. Notwithstanding this, three or four trees within the protected woodland (having regard to the topographical survey) would be affected by the access due to its width / nature.

In addition to the indicative site layout plan, the application is accompanied by the following supporting documents:-

- Planning Application Form and Ownership Certificates;
- Red line boundary plan (Drawing No. 141206);
- Concept Masterplan (Drawing Nos. 3202 Revision A);
- Topographical Survey;
- Tree Constraints Plan (Drawing No. 01);
- Landscape Strategy Plan (Drawing No. 02);
- Proposed Access Arrangements with 25m Forward Visibility Envelope (Drawing No. 13/419/TR/001);
- Proposed Site Access Drawing numbered 13/419/TR/002;
• Planning Statement prepared by Turley Associates;
• Statement of Community Involvement prepared by Turley Associates;
• Design and Access Statement prepared by Turley Associates;
• Heritage Statement prepared by Turley Associates;
• Landscape and Visual Impact Appraisal prepared by Barry Chinn Associates
• Flood Risk Assessment prepared by Weetwood Services Ltd
• Utilities Assessment prepared by Weetwood Services Ltd
• Phase 1 and 2 Site Investigation Report prepared by Proventus
• Noise and Air Quality Assessment prepared by Acoustic Air
• Archaeological Desk Based Assessment prepared by CgMs Consulting
• Transport Assessment prepared by Bryan G Hall
• Pre-Development Tree Survey prepared by Midland Tree Surgeons
• Preliminary Ecological Assessment prepared by Middlemarch Environmental
• Ecological Impact Assessment reports prepared by AED Ecology dated February 2016 and June 2016

All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report. The broad outline of the applicant’s supporting case is set out in the Planning Statement and can be summarised as follows:-

2.2 The proposed development will deliver a range of high quality homes to meet the identified need in the area. Whilst only illustrative at this stage, the submitted masterplan demonstrates how a mix of housing types and sizes can be accommodated on site whilst at the same time accommodating the identified constraints, and providing a number of additional benefits, including areas of open space for use by existing and future residents.

2.3 The submitted masterplan demonstrates that the proposed mix of housing will provide a choice of housing types to meet various needs.

2.4 The local highway network will have sufficient capacity to accommodate the development traffic associated with the proposals.

2.5 The proposed development will cause a minimal level of harm to the significance of the former parkland to Doveridge Hall which was demolished in 1938.

2.6 The most important surviving element of the landscape is located to the west of the former site of the Hall and will not be affected by the proposal.

2.7 It is considered that the proposals will sustain the significance of the nearby listed buildings, Cavendish Arms Public House, Petworth House and Gate, Petworth Stables and the Church of St Cuthbert

2.8 Any archaeological remains that may be present within the study site are likely to be of no more than local significance and should not preclude or constrain the proposed development.

2.9 Opportunities for the long-term retention, protection and enhancement of key ecological features and species will be incorporated within the masterplan for the site where possible.

2.10 The implementation and maintenance of the proposed landscape strategy will provide mitigation which will help to soften and assimilate the development in to the local landscape, thereby minimising the residual effects of the proposals.

2.11 Based upon available historical and background geo-environmental information it is considered that there is a low potential for contamination at the site.
2.12 The noise assessment demonstrates that acceptable external and internal noise levels will be readily achieved for residents without recourse to significant noise mitigation.

2.13 The development will provide both direct and indirect jobs. It will also generate additional local spending in the area which will help to boost the local economy. The additional residents will also help to support the local shop and school and provide extra custom for the pub and other local businesses in Doveridge and Uttoxeter, as well as further afield. In addition, the construction of up to 85 dwellings will deliver a one-off New Homes Bonus equal to 6 times the level of Council Tax for Derbyshire Dales DC and also bring additional Council Tax to the authority from new residents to help sustain local services.

2.14 The application site is situated within Flood Zone 1 and is not at risk of fluvial or river flooding of 1 in 1,000 years.

2.15 It is also envisaged that a planning obligation agreement may need to be entered into to address the following issues:

- Provision of affordable housing, including the range, size mix and tenure of the affordable homes, consistent with the requirements of the local area;
- Contributions towards education requirements, subject to there being a shortfall in provision for places at either Doveridge Primary School or Thomas Alleyn High School in Uttoxeter; and
- Any maintenance requirements for public open space, children’s play facilities or Sustainable drainage measures,
- Highways works and sustainable transport provision, as necessary, may be covered under a separate S278 agreement.

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
3.2 Draft Derbyshire Dales Local Plan (2016)

S1: Presumption in Favour of Sustainable Development
S2: Sustainable Development Principles
S3: Settlement Hierarchy
S4: Development within Defined Settlement Limits
PD1: Design and Place Making
PD2: Protecting the Historic Environment
PD3: Biodiversity and the Natural Environment
PD4: Green Infrastructure
PD5: Landscape Character
PD6: Trees, Hedgerows and Woodlands
PD7: Climate Change
PD8: Flood Risk Management and Water Quality
HC1: Location of Housing Development
HC2: Housing Land Allocations
HC4: Affordable Housing
HC10: Housing Mix and Type
HC18: Car Parking Standards

3.3 Other Relevant Guidance/Legislation
National Planning Practice Guidance (2014)
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011
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
  • Affordable Housing

4. RELEVANT PLANNING HISTORY

4.1 None.

5. CONSULTATION RESPONSES

5.1 Doveridge Parish Council:

Have employed planning consultants to object on their behalf. A detailed submission has been made which runs to in excess of 20 pages. The concerns raised are condensed into an executive summary which highlights the following concerns / objections.

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

2. Insufficient evidence has been provided to demonstrate that the site is not the best and most versatile agricultural land. In the absence of such information it is considered that the development would contrary to policy SF6 of the Derbyshire Dales Local Plan and the NPPF.
3. Insufficient evidence has been provided to demonstrate that the development would not have an adverse impact on the setting and character, and therefore cause harm, to a designated heritage asset. In the absence of such information it is considered that the development would be contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan 2005 and the NPPF. Due to the potential effect on the Grade I (St Cuthbert’s Church) and Grade II (Petworth House, Gates and Stables) Listed Buildings, designated heritage assets, the relevant restrictive policies of the NPPF, Footnote 9 to paragraph 14 of the NPPF applies, and the pre-weighted (or tilted) balance set out in the second bullet of Paragraph 14 is not therefore engaged.

4. The application site is considered a non-designated heritage asset and therefore a balanced judgement will be required having regard to the scale of any harm or loss of significance of what is considered a non-designated heritage asset.

5. It is considered in the case of Doveridge that should the developments currently subject of planning applications (Hall Drive and Derby Lane) along with that with a resolution to grant (Bakers Lane) and a further proposal at Babbs Lane be granted permission then the cumulative effect would be so significant (386 dwellings), that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that will be central to the emerging Local Plan or Neighbouring Planning. The village of Doveridge currently comprises some 600 dwellings and the addition of a further 386 dwellings would represent a 64% increase which is considered would dramatically change the character of the village and overwhelm its existing facilities and infrastructure. It is therefore considered that planning permission should be refused on grounds of prematurity.

6. Derby Road forms part of National Cycle Route 54 and the proposed access has the potential to be a danger, due to increase in traffic, to cyclists using this popular route. The situation would be further exacerbated at the Derby Road / Marston Lane roundabout where it is likely traffic from the further proposed development for 46 dwellings at Cavendish Cottage will also be routed.

A judgement which considers the duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is appended to the Parish Councils submission.

5.2 Derbyshire County Council (Highways):

Initial response:

Seek clarity on what is being considered, as the submitted layout plan does not provide a sufficient level of detail for access to be fully considered. The following comments in relation to the point of access onto Derby Road are made.

Derby Road is shown as a re-prioritisation of the existing road, with the primary vehicle route being into the new development. However, at this stage (or under planning legislation) there is no guarantee that the streets within the new development will be adopted as publicly maintainable highway – and the Highway Authority would not wish to direct traffic from a re-prioritised road into a private development. In addition, consideration should be given to the proposed junction arrangement, to make it more legible for road users i.e. it will not be obvious to road users that the priority has changed with the layout proposals as submitted. The Highway Authority would also suggest that an increased centreline radius is used with it being the main access into the new development (not being a specific speed control bend) - a circa 20 – 25m radius with appropriate widening on the inside of the bend, all confirmed by vehicle swept path analysis, should be provided.
to demonstrate that acceptable access arrangements can be provided to serve the site. This would appear feasible to achieve, having regards to public highway limits, however, it should be demonstrated on amended plans if access is to be determined at this stage.

The Local Highway Authority make reference to the application being supported by a Transport Assessment which considers the anticipated ‘up-lift’ in traffic that may be expected for a development of this scale and Travel Plan. In addition to requesting a copy of the travel plan the Local Highway Authority advise that they would be keen to secure a development contribution of £5000 towards future involvement and policing of such a plan in future years.

The Highway Authority note the conclusion of the transport assessment that the Derby Road / Cook Lane priority junction and the Marston Lane / Sand Lane / Derby Road roundabout junctions would operate well within capacity, with no peak hour queues before or after development takes place and that there is only one recorded accident within the last 5 years at the roundabout junction. It is not considered that there are any prevailing highway safety issues that contributed to the accident or that would be exacerbated by the new development, sufficient to warrant refusal of the application on highway safety grounds.

Advised that whilst it is likely acceptable access arrangements can be achieved, there were issues with the application as submitted and clarification required as to what ‘access’ includes.

It was recommended that the above matters be resolved.

Following receipt of the above comments the applicant withdrew access insofar as it related to the internal estate roads. The application only therefore seeks to agree the point of access onto Derby Road, which has been reconsidered and an amended plan submitted to demonstrate that an acceptable access arrangement could be provided to serve the site. Having considered this additional information the Local Highway Authority have confirmed that the revised access arrangement and improved geometry is acceptable from a highway safety viewpoint.

Section 106 content to secure monies to police any subsequent travel plan and a number of conditions (including conditions which seek to agree the detail of any estate roads, control access by construction traffic, secure appropriate parking and safe temporary and permanent access onto Derby Road) and advisory footnotes are recommended in the interests of highway safety.

5.3 Derbyshire County Council (Land Drainage)

In raising no objections, subject to conditions, make the following comments:

- The Flood Risk Assessment (FRA) offers two options regarding the disposal of surface water off site post development, infiltration or discharge to combined sewer.
- Both options provided for the disposal of surface water off site have based the storage requirements on an impermeable area of 1.02 ha.
- Option 1 proposes an infiltration rate of 0.15 m/hr yet no soakaway testing seems to have been completed to demonstrate its feasibility. The supplied Phase 1 & 2 Site Investigation Report also suggests that soakaways can’t be relied on therefore further investigation should be undertaken to inform this option.
- Option 2 proposes a limited discharge to combined sewer, however the discharge rate is based on an area of 3 ha and the storage volume is based on an area of 1.02 ha, therefore the storage volume may be underestimated.
The supplied FRA makes reference to further use of SuDS, in that they may be considered. It does not however propose any treatment stages for surface water to improve water quality and assist the Environment Agency in their delivery of the Water Framework Directive objectives (EU 2000).

Further investigation is needed by the applicant to produce a drainage proposal that adheres to DEFRA’s Non-statutory technical standards for sustainable drainage and to reduce the risk of flooding on and off site post development.

Conditions are recommended to secure detailed design and associated management and maintenance plan of surface water drainage for the site and details of the proposed destination for surface water to meet DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and Part H of the Building Regulations 2000.

5.4 Derbyshire County Council (Strategic Planning)
Request that the development be afforded access to high speed broadband services and that new homes be designed to Lifetime Homes standard. Also encourage the installation of 32mm water main risers and sprinkler systems.

In relation to education, make the following comments. Derbyshire County Council has been consulted so far on three applications for residential development relating to sites in Doveridge. In summary these are: 15/00389/OUT for 70 dwellings on land to the east of Bakers Lane; 15/00570/OUT for 46 dwellings at Cavendish Cottages and land off Derby Road and 15/00739/OUT (for 85 dwellings) at land at Derby Road, Doveridge.

Advise that Doveridge Primary School has a net capacity of 105 pupils and currently has 79 on roll. Projections indicate that this number will decrease to 49 over the next 5 years. This would effectively create sufficient capacity to accommodate 57 pupils. Advise that all of primary pupils generated by this development and the developments outlined above could be accommodated within the normal area primary school.

Looking at secondary education the County Council advise that the proposed development falls within the normal area of Queen Elizabeth’s Grammar School at secondary level and that the proposed development of 85 dwellings would generate 13 secondary and 6 post-16 pupils.

They go on to advise that Queen Elizabeth’s Grammar School has capacity for 1384 pupils and currently has 1281 pupils on roll and that he number of pupils on roll is projected to decrease to 1212 within the next 5 years, resulting in a projected surplus of 172 places. Having taken into consideration recently approved planning applications within the normal area of Queen Elizabeth’s Grammar School (totalling 648 dwellings) the County Council advise that this would result in an additional 97 secondary and 39 post-16 pupils. Taking into account this analysis of recently approved planning applications, the school would have a projected surplus of 36 places.

5.5 Derbyshire County Council (Crime Prevention Design Advisor):

Advise that the applicant hasn’t demonstrated what crime prevention measures are to be implemented into the design. This falls outside the requirements of the council’s own saved policy NBE27 and the NPPF. I would recommend that this information is provided by the applicant so they can show how this development reduces opportunities for crime and anti-social behaviour and won’t become problematic in the future.

Due to the limited information submitted at this stage in the application process I have no further comments to add but would ask that I am consulted again when further details is submitted.
Derbyshire Wildlife Trust

Initial response:

Advised in respect of habitat that all hedgerows, woodland and trees should be retained and incorporated within the development design together with additional hedgerow and tree planting as part of a landscaping scheme and that any new landscape planting, including the infilling of existing hedgerows and tree planting, should use native species appropriate to the corresponding landscape character area to be of maximum benefit for wildlife.

Dealing with protected species, the Trust made the following comments:

**Bats**

Bats are known to occur locally with a bat roost on site and several roosts in close proximity to the site, bats are likely to use the site for foraging and commuting. Furthermore, 35 trees were assessed as Category 1-1* in accordance the BCT guidelines.

It was recommended that any trees that are scheduled to be removed or affected by the proposed works are subject to more detailed bat surveys to assess their potential and to determine the presence or absence of bat roosts. The trust also recommended that a mitigation strategy should be prepared that demonstrates how the loss of any bat roosts or other impacts on bats will be mitigated, how potential lighting impacts will be minimised and what habitat retention/creation proposals will be implemented.

**Great Crested Newts**

It was considered that the information on great crested newt is lacking and that this needs to be addressed prior to determination of this application; the preliminary ecological appraisal details the need for further survey work.

Following the recommended survey work, it was recommended that a mitigation strategy should be prepared that demonstrates how the impact to aquatic and terrestrial great crested newts will be mitigated, how potential development to the species will be minimised and what habitat retention/creation proposals will be implemented.

Derbyshire Wildlife Trust advised that it was critical that the above survey work was undertaken prior to the granting of permission so that any mitigation requirements for bats and Great Crested Newts were fully taken into account as part of the planning process.

In addition to the above, conditions to protect birds, carry out a survey for any recently excavated badger setts, measures to protect badgers during construction, contain, control and remove rhododendrons on site and agree a Landscape and Ecological Management Plan (LEMP) were recommended. Clarification in the Extended Phase 1 survey as to the sites suitability of the site to support reptiles was also required.

In response to the above, the applicant submitted further ecological information in the form of an Ecological Impact Assessment report prepared by AED Ecology dated February 2016 and made reference to the Cheshire East vs Rowland Homes (2014) judgement that found “it was acceptable for a competent authority, in the absence of further survey data, to presume presence of EPS and to discharge its duty on that basis.”

The Wildlife Trust pointed out in its second response that the above judgement was at odds with Natural England’s Standing Advice and Circular 06/2005 which requires surveys in advance of planning permission and other judgements including Morge (where full bat
survey data was provided) and Bagshaw v Wyre Borough Council [2014] EWHC 508 and maintained that it was critical that further survey work in relation to bats and Great Crested Newts was carried out prior to planning permission being granted.

Following this advice the applicant has carried out additional survey work in relation to bats and Great Crested Newts.

In the updated Ecological Impact Assessment (June 2016) the applicants’ ecologist advises that eDNA samples from ponds were collected in late April and returned negative results for all surveyed ponds. They consider this to be an appropriate level of survey to confirm absence of GCN and that no further actions will be required with respect to this species.

The applicant has also completed three bat emergence and dawn re-entry surveys which have confirmed the presence of bat roosts in three trees. The species recorded roosting were common pipistrelle, soprano pipistrelle, Myotis sp and brown long-eared bat.

At Tree 1, a single common pipistrelle was recorded emerging from a hole in the trunk on 18th May with a single brown long eared bat observed entering a hole within a limb on the south side of the tree on 19th June. In Tree 4, a Myotis sp roost, (most likely Whiskered or Brandts bats5 ) was recorded with six bats returning to a cavity within the upper crown on 19th May. No bats emerged from this tree on the second survey with two Myotis species bats together with a single common pipistrelle recorded re-entering the tree on the third survey. At Tree 7, four soprano pipistrelle were recorded emerging from two separate locations within on 4th June.

Based on the low number of bats recorded, the sporadic use of roosts during surveys (bats were not present at any individual tree across all surveys) and the large potential roost resource within the local area, all roosts were assessed as non-maternity day roosts (Collins 2016). No bat roosts were recorded within T13 which will be removed.

Mitigation measures which include alternative flight line features within a wide corridor to limit the potential for isolation of the roosts, recommendations for lighting (which could form a condition for Reserved Matters approval) to maintain existing dark conditions in proximity to roosts and associated flight corridors are recommended as is substantial alternative roost provision in the form of bat boxes (to include hibernation boxes) in retained trees and new buildings within the site.

5.7 Natural England

Do not wish to comment.

5.8 Landscape Design Officer (Derbyshire Dales)

With reservations concerning the impact on the historic environment of the former Doveridge Hall there is no objection in principle to the proposals.

In terms of accommodating the development within the wider landscape and the generalities of the landscape strategy, the indicative layout includes a number of positive features which (while not yet fully developed) respond to the conclusions arrived at following assessment and guidance contained within our Supplementary Planning Document concerns with Landscape Character and Design:

- The retention of all protected trees.
- The retention of most of the other significant trees on the site boundaries and within the field.
• The inclusion of an extended area of open space that provides a setting for existing mature trees; permeates the development from the centre to the perimeter; is linked to its wider surroundings (though this could be improved); is readily accessible to all residents and is, potentially, extensive enough to become a valuable recreational / ecological resource.

5.9 Design and Conservation Officer (Derbyshire Dales)

The proposed development site is part of the former historic parkland to Doveridge Hall. The Hall has been demolished (1930's) but the parkland remains in part. Whilst the Hall itself has gone what remains (i.e. the historic parkland) needs to be considered and assessed and its and significance identified. The degree of survival, the extent of survival, legibility and the experience of the land should be considered and assessed. Such an assessment will lead to the understanding of its significance. Once identified the development proposals can be considered in association with that identified / recognised significance. The assessment should be micro and macro in its considerations dealing with site specific issues/ elements and the wider setting and context of the site in relation to historic assets and the village as a whole. The evidence suggests a palimpsest landscape with the 18th Century park overlaid on medieval ridge and furrow. The effect of development on / over this would be obvious.

5.10 Conservation Advisory Forum (CAF)

CAF discussed the site in detail and acknowledged and recognised the historical and archaeological elements/evolution of the site. However, CAF also acknowledged that the site had no statutory protection but were aware that the trees on the site were protected (TPOs) and the site is included on the County’s Historic Environment Record.

CAF recognised that Doveridge Hall had been demolished many years ago and replaced by two modern houses. They also recognised that the southern part of the parkland to the east of the former Hall had been intensively developed in the 1960s/70s & 80s. The parkland to the former Hall remains to the west.

CAF considered and discussed the proposal for up to 85 dwellings on the site. CAF recognised that the proposed number of dwellings for the site area was relatively low in density and that this had been as a consequence of the applicant taking account and due regard to the individual TPO trees. However, the CAF considered that the proposed 85 dwellings were too evenly or uniformly spread over the developable land available on the site and this resulted in excessive access infrastructure which was intensive and an overall development across the site.

CAF felt strongly that development on this site must optimise and retain a sense of the existing parkland, reducing access infrastructure and providing more open space and a clearer and more coherent connection between the existing individual trees and the belt of trees to the site edges.

In discussing the requirement to optimise and retain a sense of the existing parkland the CAF considered that a more compact development, appropriately located within the site, and having due regard to the issues outlined above would allow the predominance of the existing parkland character and appearance to be retained to a much greater degree and assist in greatly reducing any impact that development of the site may have.

CAF expressed a view that they were not aware of any ‘village plan’ which would/should analyse and justify development of this site (or any site). In broad terms, CAF considered that development here would add nothing to the village character other than further suburban expansion (as has occurred on former parkland immediately to the south of the site).
5.11 **Historic England**

Do not wish to comment in detail. Draw the Local Planning Authorities attention to the advice of the County Council Archaeologist and in particular the impact of the proposed development on the undesignated landscape of the former Doveridge Hall (NPPF Para 135) and its positive setting contribution to the significance of the Grade I Church of St Cuthbert, which whilst subtle and complex is not readily dismissed. Advise that it will be for the Local Planning Authority to seek justification for, and public interest balance in respect of the scheme as proposed.

5.12 **Development Control Archaeologist (County Council)**

Initially advised that the submitted ‘archaeological desk-based assessment’ was inadequate against the aims of NPPF para 128 and that the applicant should submit a revised heritage assessment, which includes:

1) Archaeological field evaluation of the site, to include geophysical survey followed by trial trenching to establish significance of below-ground archaeology;
2) Assessment of the significance of the earthworks on the site, including photographs, plotting and interpretation, and an assessment of significance making reference to landscape context and the nature of the resource in the Doveridge area;
3) Discussion of historic landscape character and historic parkland features;
4) A proper treatment of the setting of St Cuthbert’s church and its relationship to the site.

A number of revisions to the ‘archaeological desk-based assessment’ have been made, a geophysical survey by Durham University and further information submitted by the agent (including photography showing views of the church spire from the site, an annotated plan showing parkland characteristics within the proposal site, and a copy of the 1843 tithe map annotated to show the Waterpark land holding at the time) to address the above points. The Development Control Archaeologist has since confirmed that this information addresses the above points and makes the following comments:

*Below-ground archaeology*

The geophysical survey of the site has identified no archaeological hotspots. Although this is not a foolproof technique, in combination with the new information on the medieval hall site it suggests that archaeological potential is low, and I recommend on balance that there is no need for further archaeological work under the policies at NPPF chapter 12.

*Historic parkland character*

Development of the site would cause a loss of significance to the undesignated heritage asset covering the former parkland landscape. Although the applicant intends to preserve some historic parkland features – such as the peripheral compartments of plantation around the site – the parkland character is crucially informed by the relationship between mature trees and open grassland, and the historic significance of this area of parkland would therefore essentially be lost through housing development. This would amount to a loss of just under 20% of the surviving former parkland around the Doveridge Hall site. As noted above the area west of the former hall is perhaps richer in terms of planned views and direct relationship to the hall site, although the proposal site does form part of the northern approach to the Hall from Derby Road, with the Hall itself initially concealed by planting and then revealed on the final approach.

The undesignated parkland would therefore experience a material amount of harm from housing development on the proposal site. I judge that this falls short of ‘substantial harm’ *sensu* NPPF, because the proposal site only represents about 20% of the surviving
parkland, and there is parkland of greater character to the west of the former hall site. However, because of the loss of the parkland landscape along one of the historic approaches to the hall I feel that the level of harm to the undesignated asset is at the upper end of 'less than substantial harm'.

Setting of designated heritage assets

Because there is a degree of visual separation between the church and the proposal site, and because the views across parkland to the church spire are only possible from a small part of the site, and rather moderated by the intervening planting and the modern housing north of Church Lane, I advise that the level of harm to the significance of the Grade I Listed Building is towards the lower end of 'less than substantial harm'. This is nonetheless a highly designated asset (Grade I Listing forming the most important 2.5% of Listed Buildings) and the required level of justification for such is consequently magnified (NPPF para 132 – ‘great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be’).

Stable block and ‘Petworth’ (Grade II Listed). These former stable buildings represent surviving outbuildings from the Doveridge Hall estate, originally screened by planting from the proposal site, presumably to mitigate views of these ‘back of house’ buildings on the approach to the hall itself. As above, the significance of these buildings will be harmed through their setting – involving a loss of legibility of the group value of the former estate assets in their parkland setting. This is magnified by the direct relationship between the stables and the proposal site as elements of the 18th/19th century estate, but diminished by the lack of visibility between the assets and the proposal site, and the very design of the parkland to restrict views. I therefore judge that the harm to the significance of these building through their setting is at the lower end of ‘less than substantial harm’.

5.13 County Council Minerals

Initially advised that the site is underlain by sand and gravel resources and that minerals of economic importance should be taken into account in the assessment of applications for non-mineral development in order to avoid their needless sterilisation and required the applicant to provide supporting information, which assesses the quantity and quality of the underlying sand and gravel and the viability and practicality of extracting the mineral prior to, or as part of, the development of the site.

Provectus, the author of the submitted Phase 1 and 2 Site Investigation Report advised that the natural ground at the site comprises mostly clay to depths of at least 3m, with occasional interbeds and lenses of a fine to medium grained sand. They considered that the sand is of insufficient volume, of too poor a quality, and requires removal of too much superficial clay to be economical to extract, and will encounter groundwater difficulties if it was to be extracted.

They also advised that there would be other environmental issues such as disturbance to the land, the surrounding road network, and will cause huge disruption to the neighbours and will be a general blight to the area and that there would be significant costs to reinstate the land after quarrying.

This information was considered sufficient to address the comments relating to the need to safeguard potential sand and gravel resources.

5.14 Environmental Health (Derbyshire Dales)

No objections. Advise that noise attenuation methods e.g. acoustic glazing and the positioning of noise sensitive rooms such as bedrooms are fully considered in order to
reduce the impact of noise, particularly road traffic noise emanating from the nearby A50 and Derby Road, to an acceptable level as not to have a detrimental impact on future residents.

5.15 Strategic Housing (Derbyshire Dales)

Advised verbally that the identified affordable housing need within Doveridge had been met through the granting of planning permission for new housing development on sites at Cavendish Cottage and Bakers Lane and that they would be willing to accept an off-site financial contribution in this case, to help meet the wider district need for affordable housing.

5.16 East Staffordshire Clinical Commissioning Group (CCG)

The CCG note that 3 developments have been allocated in Doveridge so far of 227 homes, (80 + 147) 157 homes expected to be developed in the next 5 years and another 70 homes between 5 and 10 years’ time and that in Marchington 30 homes are likely to be built in a similar time scale.

The CCG advise that this will potentially be a further 642 patients (based on 2.5 patients per new home) who may wish to register at their Practice and that as a result of the new builds both Balance Street and Northgate have indicated that they may withdraw their boundaries which would leave just our Sudbury surgery covering Doveridge. This would create an additional demand of 733 patients (494 Balance Street and 239 Northgate on current registered population).

Therefore with the likelihood of Sudbury surgery’s registered population increasing from 3,400 to 4,775 (642 + 733) the CCG advise that they would need to extend to meet this demand. The CCG have costed a capital project on the basis of the level of new housing development coming forward and have requested that the developer contribute to this.

6. REPRESENTATIONS RECEIVED

6.1 A total of 147 representations including one from Doveridge Preservation Society have been received. The comments from the latter party is summarised first. The comments of the remaining 146 contributors, the vast majority of which are local residents, have been summarised as a group. All of the representations received object to the proposed development.

Doveridge Preservation Society:

The Society set out the detailed history of the site and its significance as an 18th Century designed landscape belonging to Doveridge Hall and its continued importance to the village. It is considered that the development would mean the loss of a key heritage asset, important to the history of the village and the local community as well as the region. They advise that the site gives context to the western end of the village and serves a very important role in linking all parts of the former estate together both in terms of the remaining landscape and listed and unlisted former estate buildings. Reference is made to the importance of the views of the site from the entrance of the Hall and some of the key rooms in the house.

The points raised by the remaining 146 contributors, objecting to the proposed development can be summarised as follows:
Principle

Development is on a greenfield site.
There is no need for new housing in Doveridge.
There are no cohesive plans for the future of the village.
The development will change the small village feel of the settlement
Doveridge is in danger of being overdeveloped.
The scale is too much.
85 houses represents a 14% increase on top of the 7% already given outline approval –
this would be at odds with the objective of promoting sustainable development.
The development does not comply with the village plan.
Many acres of industrial land remain unused and would be far better suited to residential
development.
Other villages should be found to share this housing boom, looking first at brownfield sites.
The level of development coming forward in the village will destroy our community.
The development will result in the loss of good farmland.
To increase the number of houses by a third is excessive.
There is no identifiable need due to the current excess of property of the market.
The community should have a say on what happens in their village.
There are plenty of brownfields sites awaiting development.
The number of dwellings should be reduced and housing phased more slowly.
The demand for such a large number of houses is not proven.
There are limited facilities and the proposal will not in any way provide economic, social or
environmental gains to the village.
If approved the development will turn Doveridge into another disaster area like Hatton.
There are no objections to small pockets of new dwellings or the odd new cul-de-sac of
bungalows, but not housing development of this scale.
In formulating a Neighbourhood Plan it was considered that 50 houses would be too great
a number for most villagers to accept.
There should be a moratorium on current planning proposals, so that a properly formulated
plan can be put together, with proper consideration of all factors both at the district and
local level.
The site should be retained as agricultural land.
The site is in the countryside (referred to incorrectly as green belt) and contrary to Local
Plan Policy SF4.
Development would run counter to the aspirations to make the Derbyshire Dales a clean,
safe, healthy and beautiful place to live.
There are over 600,000 properties lying empty in England alone.

Sustainability of location

The site is too far away from the village centre and an operational bus stop for the elderly
and infirm.
Future occupants would be highly reliant on the private motor vehicle due to the lack of
employment within the village.
There are few local jobs and no nearby industries are employing.
Ashbourne and Derby are not accessible by means of public transport.
The development site is too far away from the shop for old people and mothers with young
children.
The village will be left as a dormitory settlement (a small town in number but without the
necessary amenities).
The village will be overwhelmed by development.
Why build so many new houses in a settlement where the nearest secondary school is so
far away.
Bungalows on the site would be too far from the village centre and shop and starter homes
too far from the school.
Doveridge is a settlement of just 600 homes. Residents are unlikely to walk the distance to the church, village club or village shop therefore creating a significant increase in car usage around the village. Public transport is served by the number 1 bus service, which starts and ends in Staffordshire. There are no direct links to any towns within Derbyshire. The bus route through the village has been recently simplified, effectively closing the nearest bus stop to the site. The service has also been recently cut from ½ hourly to one per hour and 6 weeks’ notice has been given for further changes. The population will rise by 29.7% which is not proportionate, sustainable or fair. It is not fair on people already living in Doveridge to have four lots of development (total 400 houses) taking place at the same time.

The County Council is mistaken in its view that Doveridge is a sustainable village. Doveridge is not a sustainable location for social housing. Last time a house was available from the housing association it was turned down for this reason (sustainability of location) by 6 family’s. A large block of houses would result in a dormitory estate. The nearest bus stop from the centre of the development (Marston Lane) is over 600m away and the walking route to the primary school is over 1200m.

**Impact on Service and Facilities**

The development will put strain on education services, in particular places available at both primary and secondary schools and medical services. No consideration is being given to the infrastructure needs. Doveridge does not have the facilities to cater for so many people. The number of houses in the village will increase by one third with no extra facilities or amenities. The impact on medical facilities has not been looked at in light of all the proposed developments and the significant increase in population. Schools in surrounding towns are complaining of overcrowding. The level of new housing development needs to be considered holistically. The development will have a major impact on the facilities, services, infrastructure and facilities within the village. The village has one shop, one small primary school, one pub and a village club. There is not the space or facilities at Doveridge Primary School for potentially 100+ children. Senior schools in the surrounding area are already full i.e. Thomas Alleynes, Uttoxeter and Queen Elizabeth’s, Ashbourne. Pupils in the village may not be able to take up the historical opportunity to join the middle school system in Uttoxeter as there is already considerable development there. Existing infrastructure including slow internet and crackly phone lines will not improve with the extra strain from 200+ families. The school may have places but not to double its intake. New houses in Uttoxeter may mean that Uttoxeter schools will no longer be able accommodate Derbyshire pupils. There is little provision for NHS dentistry in the area. What are the plans for primary, secondary and tertiary schools in Doveridge? The existing electricity supply is unreliable. The railway station in Uttoxeter is only small, with trains running only once an hour between Derby and Stoke. The primary school will need to be extended to cope with more pupils, resulting in less area for the children to play on. Concerns are raised as to the effects of the development on surrounding villages. It is a 20 minute drive for a fire engine to reach Doveridge, from Ashbourne. We would not want to see any development of the school and possible encroachment on its amazing outdoor facilities.
Uttoxeter has its own growth plans. Doctors are oversubscribed and there are no transport links to Ashbourne. Provision must be for additional leisure facilities. We have a shop, pub and club but they are struggling. Ashbourne Police Station has been earmarked for closure and the maintenance of local fire and ambulance stations has been frequently reviewed.

**Loss of the former parkland**

The land is considered to be of high amenity value. There was a requirement on the approved Bakers Lane development to move the housing to avoid a parkland area of the field – what is the difference with this field? The village parkland is important to our village heritage. The proposed development would be sited on parkland associated with Doveridge Hall. It is a link with this important building and part of heritage which residents of Doveridge have sought to preserve and have promoted its significance within the village. This is a beautiful, parkland landscape, with large single trees standing in pastureland. The parkland edged with woodland would be desecrated if this building project went ahead. The proposal would decimate a landscape that goes back to the 18th Century. The parkland is a valuable green space within the village. It would be an act of vandalism to destroy this mature parkland at a time the National Forest Company is creating traditional parklands in the local area that will take many years to develop. Reference is made to Historic Englands publication ‘Farming the Historic Landscape: Caring for Historic Parkland’ which lists development as a likely source of damage to such sites. Putting houses in a parkland setting will cause maximum harm to the concept of parkland.

**Impact on heritage assets**

Reference is made to the views from the site of the Grade I listed church spire. An application to Historic England to try and gain listed status for the walls of the flower and productive gardens has been submitted and a decision is currently awaited on this. The site is important to the history of the village, linking all parts of the former Doveridge Hall together in terms of the remaining landscape, listed and unlisted former estate buildings. This piece of land is part of our village history and should be saved for future generations. The land has historical value being the final part of the Cavendish estate linked to Doveridge Hall. The site was landscaped to be a place of beauty, yet most of it has already been destroyed. There are still parts of the hall remaining such as the walled gardens, greenhouses and gardener’s house that are part of the village’s history. Concerns regarding the adequacy of the Archaeological Desk Based Assessment by GgMs and Heritage Statement and Addendum by Turley’s are raised. The east area of the proposed development is surrounded by a ditch which is clearly of early origin and was part and parcel of the park. We must appreciate the significance of the walled garden as an unusual and historic Georgian asset. We have lost half of the front park / East Lawn but this is where it should stop. The stables, head gardener’s house, bothys, walled kitchen gardens and pleasure garden extending around Broadlands and the back of Waterpark sit close to the site. Housing on the site will be the final nail in the coffin of this potential Emes landscape.
Directly across the site is the former walled garden of which is still in operation today, complete with the original 3 section Messenger Vine House. Though these are not listed, they are no less important when it comes to the history of the site. There may have been an earlier house than the 18th Century Hall, originally built by the Cavendish family as a base for their land ownership at Doveridge. The site is of great historic value, but also of potential archaeological interest. The 18th Century Hall replaced a House of 16th Century date.

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

The trees on the site and in the Long Shrubbery are of high historic and visual value. The access cuts through woodland.

Development would be incompatible with the nature of the local area.

A large number of houses in the village will have a detrimental impact on the character and community feel.

The loss of open space will make the village feel claustrophobic.

Destruction of woodland and ancient Oak trees.

The development will change the village and turn it into a small town.

The character of the village will be spoilt.

Doveridge will lose its identity of being a rural village.

Will new tree planting be of a suitable size and maturity to hide the building work?

Much of the village green space has been in-filled with housing – we cannot afford to lose such a valuable and beautiful landscape.

The developers design is more in-keeping with an urban development to break up a characterless suburbia where facilities aren’t available.

The open space and facilities they would provide the village with are already available.

If we lose any more of our rural heritage we risk becoming just a sprawl if houses such as Hilton.

We cannot manufacture soil and green space, once we put tarmac and concrete over we lose the rural charm of the village and habitats for wildlife.

The boundaries of the village will just keep increasing if development is not handled responsibly, with the river being the only true division we have between Uttoxeter and Doveridge.

The development will dwarf the existing village.

The proposal for two-storey houses, presumably in addition to the ground floor is not consistent with local architecture.

There is no idea of the type of housing and design. It would be positive if we could see the design and perspective drawings of the site.

Questions are raised as to who will take care of the landscaped areas.

The houses seem to predominantly look across to Hall Drive, which will only loose its privacy and unique setting.

The area is of high amenity value not only in terms of locals using Hall Drive, but also because the Old Derby Road is used as part of the cycle network.

There is no reference to the size, type, look and feel of the properties.

Such an enclosed space does not encourage integration with the rest of village.

The site is of outstanding natural beauty, having a number of ancient trees and diverse woodland.

When you compare the density with the surrounding houses around Park Crescent the new development looks very congested.

The courtyard layout is not characteristic of the village, but a design to deliver maximum housing density with little or no garden amenity for future residents.

There is no way of determining the quality (or lack thereof) of design.
**Housing Mix**

Questions are raised as to how many of the new houses will benefit young people in the village. The proposed houses are large and do not satisfy the actual need for housing, which is for affordable housing. Previous schemes within the village have had a mixture of affordable housing and sheltered accommodation as well as big family housing. This has worked well. The type of housing proposed seems only to include large houses. We need more bungalows, sheltered housing and starter homes for young people. We have plenty of 4 / 5 bedroomed homes already. The only need for housing in Doveridge is that of lower priced starter homes. There shall be no opt out for social housing provision on the site. Provision for a 5 pitch site for the local travellers should be sought in the middle of the development. The market housing should have a local residency condition for existing residents of the Derbyshire Dales. The quantity and density of houses is far too high. The problem of youngsters not being able to afford a home has been a problem for several hundred years. Survey works undertaken by residents during the Local Plan consultation showed that there was a desire for small houses or indeed bungalows so that residents could downsize and stay within Doveridge. There is strong support in Doveridge for building bungalows.

**Impact on ecology and trees**

The existing trees provide important wildlife habitat to bats, birds and insect life. The development will pose a threat to tawny owls, red kites, foxes, badgers, woodpeckers, bats and dragonflies. Destruction of habitat to owls, woodpeckers, newts, bats. The fields habitat supports wildlife, birds and amphibians. The natural wildlife, trees, hedges, narrow winding lanes make this a truly rural environment – we cannot lose this. An active bat population would be disturbed by the additional development. It is not uncommon to see pheasants, woodpeckers and many other types of wildlife surrounding Hall Drive and Derby Road, where the parkland and woods provide an ideal habitat. The position of the access would result in the loss of 3 mature trees. It needs to be stated in any conditions that might be drawn up that any trees that may be lost in the future are replaced with like for like and at no time is the open ground that surround the trees allowed to be built on. The site is rich in wildlife, which includes Badgers, Owls, Kestrels and Hobbey's. The bat survey is inconclusive and incomplete. The park has several badger runs which are used on a regular basis across to the woodland on the opposite side of the drive. Great Crested Newts are present in the nursery opposite and have been seen in gardens surrounding the site. There is no mention of the habitat to hunting Kites, Kestrels and Tawny Owls. Habitats of established flora and fauna will be destroyed including trees and hedgerows. If outline permission is granted trees could be removed on health and safety grounds. This area of land is full of trees and hedges of great age that are vital as habitat for animals, such as wild animals, birds and insects. Reference is made to the site being used by foxes, badgers, owls, woodpeckers and a variety of other birds. One tree has a large hollow, which is very characteristic and gives it a real feel of history.
Orders are used to protect trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public. It is difficult to establish how many of the existing trees will be lost.

**Flood risk and drainage**

The development will disrupt and damage surface drainage and underlying land drain pipes. The development relies on surface drainage attenuation ponds to solve any problems. The drains cannot remove surface water at present and the roads flood. The drains don't work. How many ponds can one village have? The field has underground springs. The housing is of courtyard design creating more water run-off and potential flooding. The adjacent properties will be liable to more flooding. The sewage system is already not coping / will be overloaded. Building in the field will present us and our neighbours with problems with excess water. The manhole cover in the road opposite Church Lane is known to rise with the pressure of water in the drain below. The stream at the bottom of Pickles Lane is known to you as a flood risk area. Water is currently absorbed by the soil. The eastern half of the site has the greatest flood risk. The south west corner and along the southern boundary are the wettest areas. Flood water appears in the south western corner of the site 5 times a year with a spring bubbling up. Photographs of flooding at 10 Oak Drive have been submitted. The lie of the land is considered to cause surface water flooding. Severn Trent Water do not seem to accept that properties in Lower Street are subjected to overflowing sewers. The drainage pond should be lower down the slope. Hall Drive and its pipes are in poor repair. Plans show drains being placed into a private sewer. The second option proposed of adding run off to the public system is not a viable one at present. The housing on the southern perimeter of the site, where run-off is expected to flow have not been built in accordance with the recommendations of the FRA.

**Highway Matters**

The application does not take account of amount and sorts of traffic that use the old Derby Road / former A50. The roads are too narrow and cannot cope with current traffic. The impact on traffic will be significant. There is no bus stop near to the development. The plan shows little provision for parking. The development will increase traffic at the Cook Lane and Derby Road junction making it very dangerous. Hall Drive and Derby Road is used by dog walkers, horse riders, cyclists and ramblers. The housing development residents will not be able to use Hall Drive (a private road) to walk to church. Frail or disabled residents would have to drive, increasing traffic, pollution and create parking problems. The old dual carriageway is much enjoyed by cyclists, walkers, dogs and wildlife. The A50 regularly closes because of accidents leaving Doveridge village people problems reaching Uttoxeter. A local resident’s route out of the village doubles in size. There should be no access from the site onto Park Crescent – vehicular or pedestrian – reference is made to a recent incident where a child was hit by a vehicle.
There will be an increase in traffic around Park Crescent and Derby Road due to oil tankers coming to deliver fuel to homes. The development will cut off yet another safe space to take our children for walks and bike rides and not be constantly in fear of our children being knocked over. Parking around the school is already a problem. We have no public transport links to Ashbourne from Doveridge and access to Matlock is even harder. Without a car Doveridge is not an easy place to live – most of the facilities residents use are in Staffordshire. The secondary school at Ashbourne is a 20 mile return journey. Access to the site should be from the existing allocated entrance on Park Crescent rather than the removal of established trees on Derby Road. The bund created on the tarmac road of the old A50 to make it a single carriageway, results in water being held on the road creating a blinding mirror affect, such that it is impossible to see anything approaching. The transport survey results are flawed in not being carried out on both a weekend and week day. Living on the former A50, we rely on parking on the road side outside of our properties, as there is no alternative. It is a single carriageway road, as cars are parked to one side. The speed of vehicles using Derby Road is high and visibility is poor. This development and other recently approved developments will increase the number of cars by 24%. This is not proportionate, sustainable or fair to current residents. The entrance to the site is biased towards the residents and not to the cyclists and walkers along with residents on Hall Drive. More exit routes should be established to reduce traffic intensity, noise and pollution. Soon funeral traffic will need to travel along Derby Road to our burial ground. To expect cyclists to share the same narrow road, dodging in and out of parked cars with so many more cars on the road is a recipe for disaster. Doveridge does not have sufficient pavements at its centre for school children to walk safely to school if traffic flow is increased. Lorries coming and going while the houses are being built will be a hazard. The development will increase the level of traffic along Alms Road as this is the most direct route to the village school. Roads that are in a poor state of repair and are too narrow to cope with present traffic never mind the increase that will result. There will need to be a mini roundabout at the Derby Road and Cook Lane road junction. Traffic around the post office will increase and will affect traffic flows and safety. Many of the roads in Doveridge do not have pavements.

Other Matters

There is a drop in water pressure at peak times. The drinking water supply is not currently adequate. Some residents have water filters fitted by the utility company. Increased noise due to building work and extra housing and related vehicles Noise levels from the A50 are already unacceptable. There are no noise abatement proposals within this scheme. Questions are raised as to how the dwellings will be heated. The flood risk assessment does not reflect the true position on the ground. No tests seem to have been undertaken to check on groundwater flows. If the development goes ahead would the District Council be able to assure us that the existing substation would be moved further away from properties. The site will create intolerable noise pollution for the residents of Park Crescent. Any removal of trees will increase noise dramatically onto Park Crescent for the A50. We are a small community and at least recognise who’s passing, so crime is low.
There is no detail showing where the houses will be sited – consideration needs to be
given to our right to privacy.
Reference is made to the need to consider teenage boredom.
It is not considered that development on the site meet the governments pollution policies.
An increase in population will lead to an increase in antisocial behaviour.
Questions are raised as to whether there will be any street lighting.
The plan for re-routing electricity pylons and telephone lines is unclear.
The field is riddled with pipes. Development will result in further light pollution from houses
and street lights at night and further noise pollution from the development and A50.
Air quality pollution will only increase.
The area does not have sufficient internet capacity.
This development is going to encourage traffic and walkers down our private road.
Ground stability and drainage is already an issue.
The village is covered in ponds – this will result in a child drowning.
The development will look result in division and loss of ‘community spirit’.
The development will dramatically reduce the tranquillity of the area.
Many of the Doveridge village businesses rely on tourism – no-one will want to visit what
will essentially become an extension of Uttoxeter.
Broadband connection is terrible for anyone working from home.
The noise and air quality assessment contains numerous misinterpretations and
generalisations which gives a false impression.
DEFRA have stated that the noise generated by the A50 running alongside Doveridge is
too high for further development to take place near the road.
Reference is made to the need to landscape the part of Derby Road which stretches from
the proposed entrance of the new estate up to the entrance to the burial ground.
The privacy of the village inhabitants bordering the development may be at risk.
Concern is raised with regard to the compatibility of new housing development with
existing trees – specific mention of sudden branch drop is made.

7.0 OFFICER APPRAISAL

7.1 The proposed development is clearly of major significance to the local community. A large
number of representations have been received which raise a number of concerns ranging
from localised impacts of the development to the impacts on non-designated and
designated heritage assets and existing services and facilities / infrastructure within the
village and neighbouring Uttoxeter.

7.2 Having regard to the relevant policies of the existing and emerging development plan,
guidance contained within the National Planning Policy Framework (NPPF) and the
consultee and public comments received, the main issues / key themes that emerge are:

- Principle / planning policy context;
- The impact of the development on the special setting of nearby listed buildings including
  St Cuthberts, a Grade I listed church and below ground archeology;
- Impact on the non-designated heritage asset, part of the East Lawn to Doveridge Hall
  and the historic landscape;
- Prematurity and the appropriateness of the amount of development;
- Impact on the local landscape and the character and appearance of the locality;
- Impact on the character and appearance of the locality;
- Impact on trees and ecology, including protected species;
- The ability of the local highway network to accommodate the level of development
  ;proposed and whether there would be any highway safety implications;
- Impact on neighbours amenity;
- Affordable housing and housing mix, and;
- Other contributions towards infrastructure.
Although no information has been submitted to demonstrate that the site is not the best and most versatile agricultural land (a concern raised by the Parish Council), this for reasons which are discussed later in this report would not preclude development on the site.

**Principle of Development / Planning Policy Context**

7.3 The District Council is unable at this time to demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). In accordance with Paragraph 49 of the NPPF policies within the Adopted Derbyshire Dales Local Plan (2005) which deal with housing development are therefore considered to be out of date. Consequently the determination of applications for new housing developments must be considered in accordance with paragraph 14 of the NPPF.

7.4 Paragraph 14 states that Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

Footnote 9 to the latter part of paragraph 14, identifies policies relating to heritage assets as being an instance where there is not a presumption in favour of development.

7.5 In the case of the application site there are a number of listed buildings nearby, including the Church of St Cuthbert which is Grade I Listed. The site also forms part of the East Lawn to Doveridge Hall, an undesignated heritage asset. The first part of this report will focus on the impact of the development on these designated and non-designated heritage assets to ascertain what level harm would result. The local planning authority must pay regard to: NPPF paras 132-4 (designated assets), against which any identified harm must be given ‘clear and convincing justification’ and shown to be demonstrably outweighed by public benefits of the development proposals, and NPPF para 135 (undesignated assets), requiring a ‘balanced judgement’ to be reached in weighing harm against benefits. With regard to listed buildings the local planning authority must also have ‘special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

7.6 It is important to gauge the level of harm to these designated and undesignated heritage assets before considering the economic, social and other environmental dimensions of the proposal and the public benefit that would be derived.

*The impact of the development on the special setting of nearby listed buildings including St Cuthberts, a Grade I listed church and below ground archeology*

7.7 An updated archaeological desk based assessment and Heritage Addendum has been submitted by the applicant in response to the Development Control Archaeologists and Parish Council comments. The site is located approximately 200m to the south of St Cuthbert’s Church (Grade I Listed). Although pre-dating the formation of Doveridge Park in the 18th century, the church was subsequently incorporated into the park’s southern boundary and acted as an ‘estate church’ for the Cavendish family. The cluster of designated and undesignated assets comprising parkland, hall site, church and the listed former stables, therefore have group value as a former estate complex, which contributes to the significance of the Grade I Listed Building through its setting, as part of the story of the landscape in which the church developed.
Although the Development Control Archaeologist considers that the proposal would erode the legibility of this group of assets as a whole and would therefore cause harm to the significance of the church through its setting, there has already been some erosion of this group as a result of the housing development on what was former parkland to the south and new residential development on the site of the hall. Furthermore, the proximity of the church to the proposal site, beyond a modern estate of housing, the presence of intervening boundary vegetation and limited views from within site of the church, mitigate any harm to the buildings significance and setting. Whilst it is acknowledged that the church is a highly designated asset (Grade I Listing forming the most important 2.5% of Listed Buildings) and the required level of justification for development that causes harm is consequently magnified (NPPF para 132 - ‘great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be’) there is opportunity, given the low density proposed, to preserve and protect views of the church from within the site through careful consideration of the layout / position of the houses.

The only other listed buildings that would be affected by the development are the Stable block and ‘Petworth’, which are both Grade II listed. A member of the public makes reference to a recent application to list the walls of the flower and productive gardens of the hall. Although the walls have no statutory protection at this moment in time, the significance of the stables and walls (a non-designated heritage asset) will potentially be affected, through the loss of legibility of the group value of the former estate assets in their parkland setting. The former stable buildings represent surviving outbuildings from the Doveridge Hall estate, and were originally screened by planting from the proposal site to mitigate views of these ‘back of house’ buildings on the approach to the hall itself and any resultant harm is diminished by the lack of visibility between the assets and the proposal site, and the very design of the parkland to restrict views.

It is judged that the harm to the significance of aforementioned buildings and structures through change to their setting would be at the lower end of ‘less than substantial harm’ subject to maintaining key views to St Cuthbert’s church spire. These views should allow appreciation of the relationship to the church from within and looking across the site. Careful consideration also needs to be given to the interface between the site and the walls of the flower and productive gardens.

In terms of below ground archeology the applicant has carried out a geophysical survey of the site which has not identified any targets. The Development Control Archaeologist has researched the sources for the HER record which suggest that there was an earlier 16th Century Hall / Manor on the former Doveridge Hall Site and has concluded that the record may in fact relate to ‘Old Hall Farmhouse’ on Lower Street, some distance away from the application site. The latter use of the site as parkland to Doveridge Hall has superseded ridge and furrow earthworks from the medieval period. Archaeological potential is therefore considered to be low and there is no need to request that the applicant undertakes further archaeological work under the policies at NPPF – chapter 12.

Impact on what was part of the East Lawn to Doveridge Hall and the historic landscape

The Council’s study of landscape sensitivity to housing development (Derbyshire Dales District Council: Landscape Sensitivity Study – Wardell Armstrong August 2015) assesses the site as being of low sensitivity to new housing development. This assessment, however, does not factor in the key feature of the site, the fact that it is remnant parkland. Designed parklands are not listed as a key characteristic of the Settled Farmlands Landscape Character Type. Moreover Doveridge is not a typical of this Landscape Character Type set out in the Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document.
7.13 The land is clearly valued by the public and is considered to be of significant historic importance. Paragraph 135 of the National Planning Policy Framework requires consideration of the impact of development on the significance of a non-designated heritage asset. It states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.14 Development of the site would cause a loss of significance to the undesignated heritage asset covering the former parkland landscape. The applicant intends to retain the main parkland features including the peripheral compartments of plantation around the site and the mature parkland trees which occupy the central part of the site. The Development Control Archaeologist advises that parkland character is informed by the relationship between mature trees and open grassland, and the historic significance of this area of parkland would therefore essentially be lost through housing development, although it is recognised that this would amount to a loss of just under 20% of the surviving former parkland around the Doveridge Hall site. They conclude that the undesignated parkland would therefore experience a material amount of harm from housing development on the proposal site but that this would fall short of 'substantial harm'. This harm could be mitigated through the maintenance of large areas of open space / grassland around the main trees which occupy the central part of the site.

7.15 In order to assess the direct and indirect effects of the development on the former parkland to Doveridge Hall, it is important to first understand its significance within the context of the former hall and its surroundings.

7.16 The 18th Century park comprises four topographically distinct areas. From west to east they are:

1. Flood plain of the River Dove
2. The steeply sloping bank of the Dove valley
3. The edge of the plateau at the top of the sloping bank
4. The plateau known as the East Lawn.

The areas of historic landscape most closely associated with the application site are areas 3 and 4. Area 3, the edge of the plateau which overlooked the sloping bank, the river and Bridge Flats, contained significant areas of designed woodland in which were located Doveridge Hall, the walled garden, and other ancillary buildings such as the Stables and the Bailiff's House. The woodland was designed to frame views of the house from the east and views from the House to the west. It is unlikely that any of the ancillary buildings would have been visible as they appear to be surrounded by dense woodland. The western half of the Park was clearly intended to make the most of expansive views across the River Dove, to Uttoxeter and to the wider landscape beyond. The woodland also enclosed the church of St Cuthbert which sits to the east of South Shrubbery. The spire of the church of St Cuthbert (located at 90m AOD) would have been visible from the west in association with the Hall. In the Addendum to the Turley Heritage Statement it is acknowledged that the woodland to the south and west of the Church was part of the 18th century design of the Park (paragraph 2.15). The Addendum surmises that 'This suggests that there may have been a deliberate attempt to conceal the church in views from the valley to the west and Doveridge Hall to the north. There is also a further plantation to the north (following the line of the present Hall Drive). These plantations would have reduced the visibility of the church from these areas, suggesting that it had no strong physical or visual relationship with Doveridge Hall and the Application Site, with the exception of the spire (due to its height).' However, this is only one possible interpretation of the decision to include the church within the woodlands planted in the 18th century. An alternative interpretation is that by enclosing the church in the woodland that clearly belonged to
Doveridge Hall, the owners of the Hall were emphasising the relationship between the church and the Park. The view of a spire rising from the woodland may have been considered to create an attractive composition that enhanced the view of Doveridge Hall. These are all, however, speculative ideas as to why the woodland was wrapped around the church. What is a fact, rather than speculation, is that the church was included within the designed landscape of the Park.

7.17 Area 4, east of the band of woodland, consisted of a level area known as the East Lawn. The East Lawn was a generally enclosed space with a tree belt, formed by a mix of deciduous and coniferous trees, (the Long Shrubbery) running down the north-eastern and eastern boundaries of the Park (Derby Road and Cook Lane respectively). The East Lawn comprised grassland with trees in the typical 18th Century parkland style. Although enclosed by woodland to the west, north and east there would have been long views across the landscape to the south.

7.18 The public comments received point to the landscape being designed by William Emes. To date there has been no evidence to confirm that William Emes had any involvement in the landscape at Doveridge Hall but nor has there been any evidence regarding an alternative designer. There can be no doubt, however, that the parkland at Doveridge Hall was a successful landscape design in the 18th Century English Landscape style and that much of the design is still evident despite the changes that have taken place over the last 60 years.

7.19 Area 4, the East Lawn is the area within the historic park boundaries which has suffered the most change. More than half of the original East Lawn has been developed for residential housing and the transition between the housing development and the remaining parkland is very poor. The houses do not relate to the parkland but generally have back gardens facing the remaining parkland. The boundary with the parkland is fragmented, consisting mostly of a range of garden fences. One group of houses on Oak Drive is perpendicular to the boundary with a side wall facing the parkland.

7.20 The Local Planning Authority has sought independent advice on the proposed landscape impacts of the development from an expert landscape consultant. Notwithstanding the degree of change cited above, the expert landscape consultant advises that the northern half of the East Lawn, which comprises the application site, has retained a parkland quality. They advise that although there have been losses of parkland trees, some have remained and the Arboricultural Assessment considers that a number of them, including some trees on the edge of the woodland have the potential to become veteran trees and that the woodland belt along Derby Road, which includes parkland species, is a significant factor in the retention of the parkland qualities as is the presence of Hall Lane and the woodland beyond it to the west.

7.21 In addition to the retained parkland qualities, the expert landscape consultant advises that attractive views of the spire of St Cuthbert’s church from this section of the East Lawn are still available. Whilst acknowledging that the views to the south have mostly been obstructed by the new housing development, they advise that one attractive long distance view remains to the east of the woodland and the spire of St Cuthbert’s church where there is a long view over the tops of houses to the distant ridge. It is considered that the key detractor with regard to the northern half of the East Lawn is the housing development. The harm created by the presence of the houses is exacerbated by the lack of any active relationship between the parkland and the fragmented boundary.

7.22 Considering the impact of the development the expert landscape consultant advises that the development on the remaining section of the East Lawn would result in the almost total loss of a remnant historic parkland. However, they advise that the integrity of the East Lawn has already been seriously compromised by the housing development on the southern half and this reduces the significance of the additional loss that would occur.
7.23 As noted in the Turley Heritage Statement the presence of the Lodge and the framed approach means that original role and function of this area is legible and it is possible to appreciate the original winding approach to the former hall. The glimpsed views from Hall Drive to the west, in the gap between the woodland surrounding the lodge and the main belt of woodland on the edge of the plateau, also indicates a designed approach. The site, with its parkland trees and historic tree belts, still reinforces the sense of an historic designed landscape.

7.24 The landscape consultant advises that there is currently no way of experiencing the remaining Park as a whole because the separate landownership enjoyed by the properties set within the woodland has severed the East Lawn from the sloping bank. However, the remaining visual connection between the designed landscape to the west and the designed landscape to the east, which can be experienced from Hall Drive, would be lost.

7.25 The proposed development would also remove a section of the perimeter belt along Derby Road. This woodland belt is likely to have prevented all views into the Park at one time. Currently a lack of management means that there are views from Derby Road into the parkland during the winter.

7.26 In summary, it is concluded that the proposed development would harm an undesignated heritage asset causing some loss of historic character to the East Lawn, Hall Drive, the central area of woodland, the remaining visual connection between the East Lawn and the landscape to the West and the Perimeter belt on Derby Road. The significance of the harm is reduced due to the loss of integrity that has already occurred in all these areas. However, it is considered that the level of harm is greater than the minimal harm (negligible impact) as concluded by the Heritage Statement by Turley.

7.27 The landscape consultant advises that it could be concluded that the loss of historic character to this undesignated asset is acceptable due to the existing loss of integrity within the historic parkland and the obligation to meet housing needs within the district, but that development of the application site would result in minor/moderate harm to this undesignated heritage asset due to a loss of historic character not negligible harm as identified by the applicant. They advise that if planning permission was granted, the proposed development should be designed to make the most of positive features that have been retained and to recall where possible the historic landscape that has been or will be lost, including views to St Cuthbert’s church spire from within the site and Hall Drive, views to the south from within the site, the interface between the site and the wall of the walled garden, the treatment of development along Hall Drive, and the retention of parkland trees. They advise that the provision of open space with the mature trees will allow for its role as forming part of the Doveridge Hall Estate to remain legible.

7.28 Having regard to NPPF paragraphs 132-4 (designated assets) and 135 (undesignated assets) it is clear that harm to designated and undesignated heritage assets identified above will result, however, it is concluded that this would amount to less than substantial harm. In this regard ‘clear and convincing justification’ must be given and be shown to be demonstrably outweighed by the public benefits of the development if planning permission is to be granted.

Prematurity and the appropriateness of the amount of development

7.29 As previously set out the District Council is unable at this time to demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). Policies within the 2005 Adopted Derbyshire Dales Local Plan which restrict new housing development and seek to protect the countryside are therefore considered to be out of date.
7.30 Within the National Planning Policy Framework at paragraph 17 are a series of core planning principles. They state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, recognise the intrinsic character and beauty of the countryside, support the transition to a low carbon future in a changing climate, taking full account of flood risk, allocate land for development on land of lesser environmental value and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, amongst other considerations.

7.31 The Derbyshire Dales Housing and Economic Development Needs Assessment (2015) identifies that the objectively assessed need for the whole of Derbyshire Dales, including areas within the National Park, for the period 2013 - 2033 should be 322 dwellings per annum or an overall figure of 6,440. However, the evidence from the Strategic Housing Land Availability Assessment (SHLAA) indicates that there are insufficient sites in suitable locations to meet this requirement, and to release additional land for housing would have a significant impact upon the high quality environment of the plan area.

7.32 Within the emerging Draft Derbyshire Dales Local Plan (April 2016) the proposed site is a draft allocation for new residential development (up to 85 dwellings). Whilst the plan is at an early stage in the plan making process and can only be afforded limited weight, the policies of the Draft Local Plan provide a clear steer on future policy intentions.

7.33 Across the plan area it is envisaged that most new housing development will be brought forward in the market towns, local service centres and accessible settlements with limited facilities, such as Doveridge (a third tier settlement in the emerging local plan). It is recognised ‘accessible settlements’ possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment. It is acknowledged that they will provide for reduced levels of development in comparison to higher order settlements in order to safeguard their role consistent with maintaining or enhancing key environmental attributes. The site in addition to allocations at Sand Lane (up to 18 dwellings) and Cavendish Cottage (up to 46 dwellings) and the extant permission at Bakers Lane (up to 85 dwellings), would represent a total of up to 219 new dwellings. This has been deemed to constitute an acceptable level of growth in the case of Doveridge.

7.34 Reference is made to work commencing on a neighbourhood / village plan which identified a much smaller amount of new housing growth. The emerging Derbyshire Dales Local Plan has overtaken the preparation on this plan and is based on the most up to date housing needs information. Accessible villages have an important role to play in the delivery of the housing needs of the District. The number of new homes allocated for Doveridge represents a relatively small percentage of the overall housing need, commensurate with the scale and nature of the village.

7.35 Doveridge is a substantial village of some 600 houses. Within the village is a shop, village hall / working men’s club, recreation ground, pub and primary school. The village also benefits from good access to the A50 and from its proximity to Uttoxeter, with residents being able to readily access the full range of services it has to offer and employment opportunities.

7.36 Factoring in housing sites with permission or a resolution to grant permission the overall level of anticipated growth would represent a 36.5% increase in the number of existing houses within the village. Based on the consultation responses received in relation to strategic infrastructure (with the exception of the response from East Staffordshire CCG –
which is discussed in the ‘other contributions towards infrastructure’ section of this report), it is considered that the village can accommodate this level of growth. There is capacity within Derbyshire schools the existing primary school and secondary school at Ashbourne, to accommodate the anticipated number of pupils that would be generated.

7.36 In terms of the proximity of the site to the services and facilities within the village, it is located on the north western edge of the village off Derby Road, which forms part of the National Cycle Network. Although Hall Drive is a private road, there is a cycle path and dedicated footway along the route of Derby Road, which link the site to the centre of the village, where the majority of existing services and facilities can be found. Although concerns have been expressed with regard to the accessibility of the site to the village facilities by the elderly and nearest bus stop, the distances involved are not considered to be of so significant a length to make access by foot by such persons an impossibility.

7.37 For reasons set out above, it is considered that the level of development proposed can be accommodated on the site, without being at odds with the objective of promoting sustainable development, insofar as access to services and facilities is concerned.

Impact on the character and appearance of the locality

7.38 Disregarding the fact that the site forms remnant parkland and its historic significance / value, the site is considered to be of low sensitivity to new housing development based on the landscape sensitivity study which has been undertaken to support the emerging local plan.

7.39 Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) seeks to protect the character of local landscapes. Planning Inspectors have, however, in recent appeal decisions concluded that it should only be afforded limited weight as it is at odds with the Frameworks more balanced approach to determining planning applications. Notwithstanding this the Ministerial Statement made by Brandon Lewis MP on 27th March 2015 recognises the importance of fully considering the impact of development on landscape character, which he recognises as an important material consideration in decision-making, even outside areas with statutory protection. Policy PD5 ‘Landscape Character’ in the emerging Local Plan aligns with this guidance and states that planning permission will only be permitted if the location, materials, scale and use are sympathetic and complement the landscape character, natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future and opportunities for appropriate landscaping will be sought alongside all new development such that landscape type key characteristics are strengthened. It is well contained by existing landscape features and well related to existing settlement pattern. In this case it is possible to make a feature of existing landscaping and the low density of development is such that mature trees and woodland belts can be retained. Such features would contain the development. Combined with the close association of the site with existing housing development, it is not considered that the development would result in any significant harm to the character and appearance of the locality.

7.40 With regard to design, Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. A concern raised by local residents is the lack of information in relation to the design and layout of the development. Some residents also consider the density to be too high. At less than 15 dwellings per hectare this is not, however, considered to be the case. This application seeks outline permission
and the applicant seeks to agree the point of access onto Derby Road only at this stage. The low density of development is such that a layout, which is respectful of existing trees and woodland and the parkland setting of the site is achievable.

**Impact on trees and ecology, including protected species**

7.41 An important consideration is the impact of any new housing development on protected trees and ecology. Policy NBE6 of the Adopted Derbyshire Dales Local Plan and Policy PD6 of the emerging local plan seek to protect trees and woodland. These policies advise that development which would result in the unacceptable loss of, or damage to, or threaten the continued well-being of protected trees hedgerows, orchards, veteran trees or woodland will generally not be permitted. Where the loss of trees is considered to be acceptable there is a requirement for adequate replacement provision, using species that are in keeping with the character or the existing tree species in the locality and the site.

7.42 The location of the new access road into the site will affect 3-4 trees within protected woodland belt. This woodland belt is likely to have prevented all views into the Park at one time. However a lack of management means that there are views from Derby Road into the parkland during the winter. Notwithstanding this the access road and break in the woodland would harm the integrity of the woodland belt. This is an environmental dis-benefit that will need to be given weight in the overall planning balance.

7.43 The applicant has prepared a revised Landscape Strategy which includes additional tree planting to increase the connectivity of the trees as part of its bat mitigation measures. This would provide some compensation, however, such planting would need to be carefully considered to maintain the parkland feel / character of the site.

7.44 The public point to the site being used by a wide variety of wildlife. Although badgers are mentioned no evidence of any badger setts have been found although there is evidence of badger/rabbit foraging. Due to the presence of badger activity, a condition would therefore need to be attached to any permission requiring that a survey of any recently excavated badger setts on the site or within 30 metres of the site boundary be undertaken prior to the commencement of any groundwork on site. Given the nature of the poor semi-improved grazed management of the field and the proximity of the site to existing residential dwellings it is considered unsuitable for ground nesting bird species such as skylark. It is, however, recognised that birds will nest in trees and hedgerows on the site and a condition to avoid harm / disturbance to such birds is recommended.

7.45 Survey work has been carried out in relation to Great Crested Newts (GCN) which confirms that development of the site would not affect this protected species. Three bat emergence and dawn re-entry surveys have confirmed the presence of bat roosts in trees. The species recorded roosting were common pipistrelle, soprano pipistrelle and brown long-eared bat. Subject to the implementation of mitigation measures that have been identified in the updated Ecological Impact Assessment report prepared by AED Ecology, which include alternative flight line features within a wide corridor to limit the potential for isolation of roosts, recommendations for lighting to maintain existing dark conditions in proximity to roosts and associated flight corridors and alternative roost provision in the form of bat boxes (to include hibernation boxes) such species would be appropriately safeguarded and the Local Planning Authority is satisfied that it can discharge its duty in respect of the requirements of the Habitats Regulations on this basis. In addition to the mitigation measures outlined above, it is recommended that the applicant be advised as part of any reserved matters submission that a Landscape and Ecological Management Plan would be required to secure other habitat enhancements.
The ability of the local highway network to accommodate the level of development proposed and whether there would be any highway safety implications

7.46 The application is accompanied by a Transport Assessment prepared by Bryan G Hall which concludes that the local highway network has sufficient capacity to accommodate the development traffic associated with the proposal. On the basis that the application as originally submitted did not provide a sufficient level of detail of estate roads, the applicant withdrew access as matter to be agreed as part of this application other than the point of entry into the site from Derby Road.

7.47 The Local Highway Authority have confirmed that the revised access arrangement is acceptable in principle and demonstrates improved geometry and forward visibility around the re-prioritised junction. However, the Highway Authority advise that they only wish the access to be laid out in this form once there was a prospect of the new internal estate streets being part of an adoption Agreement with the County Council (this is a voluntary Agreement between the developer and the County Council and does not form part of the planning process). The Highway Authority would not wish to re-prioritise Derby Road if the new development was to remain purely private. On this basis the Highway Authority would recommend that a ‘temporary’ simple ‘T’ access is provided to Derby Road to allow construction operations to commence and to potentially serve up to 10 No dwellings; beyond this (at a point where it is likely to be more clear in terms of the developers aspirations with respect to the potential adoption of the estate streets – or actual signing of a Section 38 adoption Agreement) the permanent access solution could be implemented to serve the development. Conditions to cover this are recommended.

7.48 Local residents have expressed concerns generally with regard to traffic within the village and the ability of the Derby Road / Cook Lane priority junction and the Marston Lane / Sand Lane / Derby Road roundabout junctions to accommodate the development. The submitted transport assessment concludes that the junctions would operate well within capacity, with no peak hour queues before or after development takes place and that there is only one recorded accident within the last 5 years at the roundabout junction.

7.49 There will inevitably be an increase in traffic in the area, as a result of the development proposals at this site, however, 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 (with reference to Paragraph 32 of the National Planning Policy Framework), or that would exacerbate existing highway safety concerns in the vicinity of the site. Increased levels of traffic, as a consequence of development, would not necessarily constitute sufficient grounds alone to recommend refusal of a planning application, except where it can be clearly demonstrated that the generated traffic will have a harmful effect on highway safety, relative to existing conditions on the highway network.

7.50 As can be seen form the Local Highway Authority comments it is anticipated that there will be an ‘up-lift’ in traffic and mention is made to a travel plan. In addition to requesting a copy of such a plan the Local Highway Authority advise that they would be keen to secure a development contribution of £5000 towards future involvement and policing of such a plan in future years to help mitigate and where possible alleviate any traffic problems.

Residential amenity impacts for existing and proposed residents

7.51 The comments made in public representations highlight concerns over noise levels in the locality and the potential for this to impact on the amenity of future residents and also raise concerns about how development might impact on the amenity of nearby residents.

7.52 Background noise emanating from the nearby A50 is audible on the site. The woodland belt, however, provides a barrier to its transmission. Subject to noise attenuation methods
e.g. acoustic glazing and the positioning of noise sensitive rooms such as bedrooms being considered as part of a later reserved matters submission, the District Councils Principal Environmental Health Officer is satisfied that noise from the A50 could be mitigated to such an extent to not have a detrimental impact on future residents.

7.53 In terms of the amenity of adjoining occupiers it will clearly be important to the detailed design of the layout and housing to ensure that existing residents do not suffer adverse impacts from overlooking, overshadowing or development being overbearing, but these matters can only properly be considered once a detailed layout is tabled for consideration.

Affordable housing and housing mix

7.54 Comments from the public vary on the need for affordable housing and housing needs generally. Policy HC4 of the emerging local plan requires all residential developments of 3 dwellings or more or on sites of 0.1 hectare or more to provide at least 30% of the net dwellings proposed as affordable housing. The Head of Housing has advised that the local affordable housing need in Doveridge has been met through the delivery of other sites in the local area. In this respect the Local Planning Authority would require an off-site contribution towards affordable housing in this case. Given that the emerging affordable housing policy envisages at least 30% provision on the back of the delivery of other infrastructure, it is considered reasonable to request a 45% contribution in this case (a figure reflected in the previously withdrawn local plan) on the basis that the Council does not yet have a CIL charging regime in place and the nature of the site. This is a figure that has been consistently applied to other housing sites which have come forward ahead of the emerging Local Plan across the district. Based on a 45% contribution (and the delivery of a broad mix of housing to meet the District’s affordable housing needs) a financial contribution of £973,462.50 (85 x 0.45 x £25,450) would be required based on 85 units. The applicant has agreed to a contribution towards affordable housing being made at this level.

7.55 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 ……”

7.56 As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which has been used to inform the preparation of new local plan policies. This seeks to ensure new housing meets the communities needs and states (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%”.

7.57 The application is for outline consent only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing has not as yet been determined. However, given that this is an issue that is likely to arise at the reserved matters stage it is important to bring this matter to the applicants’ attention by
way of a footnote included in any permission to clarify the expectations of the Local Planning Authority.

Other contributions towards infrastructure

7.58 The public comment and the Parish Council comments on this application have expressed concern about how this development will impact on existing infrastructure. However, as previously advised, based on the consultation responses received, particularly in relation to strategic infrastructure it is considered that the village can accommodate the level of housing growth which has been allocated within the emerging local plan. There is capacity within Derbyshire schools the existing primary school and secondary school at Ashbourne, to accommodate the anticipated number of pupils that would be generated.

7.59 East Staffordshire Clinical Commissioning Group have advised that doctors’ surgery at Sudbury is at capacity and changes to catchment areas, due to the level of growth coming forward in the area (including in Uttoxeter) is such that there is a need to expand the existing practice. They have identified a capital project which will be required to accommodate the level of development coming forward. The applicant has agreed to make a contribution towards this project at a rate of £250 per dwelling (totalling £21,250), a social benefit that needs to be weighed in the planning balance.

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

7.61 The lack of gas connection in the village has been raised as a concern. The new dwellings will need to have access to utility connections. Again, this is a matter which will need to be agreed with the relevant providers and as part of the building regulations process and would not constitute a reason for refusing the application.

7.62 Under Adopted Local Plan Policy L6 a development of this scale should include open space and an equipped play area to meet the needs of future resident’s children. The indicative site layout does show and the density of development will allow for large areas of open space, however, no equipped play area is shown. Notwithstanding the above, the applicant is aware of the need to provide on-site play space and this will be fully considered in terms of detail and siting in the reserved matters application. The provision and maintenance, through a management company, of the open space and play area will need to be agreed by condition.

Drainage of flood risk

7.63 Drainage and localised flooding has been flagged as an issue by local residents. The site slopes towards the existing dwellings along Oak Drive, where surface water appears to collect. Reference is also made to a natural spring, although it would appear that there is no evidence of such a feature. The Flood Risk Assessment (FRA) which accompanies the application offers two options regarding the disposal of surface water off site post development, infiltration or discharge to combined sewer. Both options provided for the disposal of surface water off site have based the storage requirements on an impermeable area of 1.02 ha. The Land Drainage Authority considers that the measures put forward to be acceptable, although recommend conditions to secure detailed design and associated management and maintenance plan of surface water drainage for the site and details of the proposed destination for surface water to meet DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) and Part H of the Building Regulations 2000. The agreement of such details will ensure that there is no localised flooding resulting from surface water run-off from the site.
7.64 In the case of this application for up to 85 dwellings on the site, less than substantial harm has been identified to designated and undesignated heritage assets. There is therefore a presumption against development unless there is ‘clear and convincing justification’ that this harm would be outweighed by the public benefits of the proposals.

7.65 As previously discussed the District Council is unable to demonstrate a 5 year supply of housing land in addition to a buffer of 20% as required by the NPPF. The development of this site will make a contribution to meeting the housing needs of the district, which lends substantial weight to supporting the scheme. The site is also allocated for up to 85 dwellings in the emerging local plan and would be within the quantum of new housing development which has been considered appropriate for the sustainable expansion of the village of Doveridge.

7.66 In concluding whether the harm to the designated and undesignated heritage assets highlighted in this report would be outweighed by the public benefits it is important to consider the economic, social and environmental dimensions of the proposal.

7.67 Considering the social dimension, the Local Planning Authority has a duty to meet the housing needs of its population. The site is well related to an ‘accessible village’ and has been identified as a suitable site for housing development in the emerging local plan and would be within the quantum of new housing development which has been considered appropriate for the village of Doveridge. The development of this site will make a significant contribution towards meeting the housing needs of the district, which lends substantial weight to supporting the scheme. The application would also contribute towards meeting the affordable housing needs of the district and a capital project to extend the doctors surgery at Sudbury to accommodate the level of new housing growth which has been identified and is coming forward in the area.

7.68 Having regard to the economic dimension, the development will benefit the existing shop and existing public house through additional resident spend and help to underpin existing services and facilities within the village. Development of the site will also generate employment, whilst the new houses are being constructed.

7.69 In environmental terms development of the site has the potential to lead to biodiversity improvements through habitat enhancement. Loss of trees within the woodland belt will be a dis-benefit, however, compensatory planting will help off-set this. The main environmental harm / disbenefit will be the impact on the cluster of designated and undesignated assets comprising parkland, hall site, church and the listed former stables which as a former estate complex, which contributes to the significance of the Grade I Listed Building through its setting. However, provided the development is designed to make the most of positive features that have been retained and to recall where possible the historic landscape that has been or will be lost, including views to St Cuthbert’s Church spire from within the site and Hall Drive, views to the south from within the site, the interface between the site and the wall of the walled garden, the treatment of development along Hall Drive, and the retention of parkland trees the level of harm would be lessened.

7.70 When all of the above matters are weighed in this finely balanced case it is considered that subject to adoption of the design approach set out in paragraph 7.67 above, the harm to designated and undesignated heritage assets would be outweighed by the wider public benefits of the development and would not be contrary to sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. A recommendation of approval, subject to the applicants entering into an agreement under the provisions contained at section 106 of the Town and Country Planning Act 1990 to secure £973,462.50 towards affordable housing, a Travel Plan with a contribution of £5,000...
towards its monitoring, and £21,250 towards a capital project identified by the doctors surgery at Sudbury and conditions is put forward on this basis.

8. RECOMMENDATION

8.1. That, subject to:-

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

- £973,462.50 towards affordable housing;
- A Travel Plan with a contribution of £5,000 towards its monitoring, and;
- £21,250 towards a capital project identified by the doctors surgery at Sudbury

planning permission be granted subject to the following conditions:

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

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-

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

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

3. Any reserved matters submission shall seek to retain all protected trees and woodland (other than the trees to be taken out within the woodland belt along Derby Road to accommodate the proposed access hereby approved) and any new houses shall be laid out and designed to make the most of these positive features of the site and to recall where possible the historic landscape, including views to St Cuthbert’s church spire from within the site and Hall Drive, views to the south from within the site and be respectful of the interface between the site and the wall of the walled garden and careful consideration given to the treatment of development along Hall Drive. Any new planting should also strike a balance between providing enhanced habitat which shall include alternative flight line features to limit the potential for isolation of bat roosts and maintaining the parkland setting of the site.

4. This permission relates to the original application documentation except as amended by the revised plan received by the Local Planning Authority on the 27th April 2016 13/419/TR/002, updated Ecological Impact Assessment Reports by AED Ecology dated June 2016 and email from the applicants’ agent dated 20th June 2016.

5. Before any other operations are commenced a temporary access shall be laid out to Derby Road and constructed in accordance with designs to be submitted to the Local Planning Authority for written approval. The access shall take the form of a simple ‘T’ junction to Derby Road with a minimum carriageway width of 5.5m and 6m junction radii
and be provided with minimum 2.4m x 43m visibility sightlines in each direction, the area in advance of the sightlines remaining free from any obstruction to visibility over 600mm high. The access shall be laid out and constructed in accordance with the approved details and remain in place during construction operations or until occupation of the 10th dwelling, all as may be agreed with the Local Planning Authority.

6. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
   i. parking of vehicles of site operatives and visitors,
   ii. construction compound and site accommodation areas,
   iii. routes for construction traffic,
   iv. method of prevention of debris being carried onto highway,
   v. proposed temporary traffic restrictions,
   vi. arrangements for turning vehicles,
   vii. road-side hoarding (including any gates).

7. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

8. Prior to occupation of the 11th dwelling, or other such timescale as may be agreed with the Local Planning Authority, the permanent access arrangements generally as identified on drawing number 13/419/TR/002, but more specifically in accordance with detailed designs submitted to the Local Planning Authority for prior written approval, shall be laid out and constructed in accordance with the approved details. Any temporary access shall be completely removed and reinstated, all as may be agreed in writing with the Local Planning Authority.

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

10. The carriageways and footways of the proposed estate streets shall be constructed in accordance with Condition number 5 above up to and including at least binder course level, prior to the commencement of the erection of any dwelling intended to take access from that street. The carriageways and footways shall be constructed up to and including binder 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 binder 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.

11. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
12. The premises, the subject of the application, shall not be occupied until space has been provided within the property curtilage for the parking and manoeuvring of residents and visitors vehicles (including secure / covered cycle parking), laid out, constructed as may be agreed in writing with the Local Planning Authority and thereafter maintained throughout the life of the development free from any impediment to its designated use.

13. The garage / car parking spaces shall be kept available for the parking of motor vehicles at all times. The garage / car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation/ parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

15. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

16. The accesses approved under conditions 4 and 7 above shall be the only means of vehicular access to serve the site - there shall be no direct vehicular access point(s) created to Hall Drive from the development or individual plots.

17. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the road being opened to vehicular and pedestrian traffic and retained accordingly thereafter.

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

19. As part of any reserved matters or full application for this site a Travel Plan document shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from substantial completion of the whole development.

20. No removal of hedgerows, trees or shrubs or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check or active birds’ nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
21. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150mm outside diameter being blanked (capped) off at the end of each working day.

22. As part of the reserved matters application a detailed lighting scheme for the site which minimises the impact of light on bats and details of type and location of bat boxes (to include hibernation boxes) within the trees to be retained, new flight corridors and new buildings shall be submitted.

23. As part of any reserved matters submission a Landscape and Ecological Management Plan (LEMP) shall be prepared, which shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

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

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

25. 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.

Reasons:

1. Reason ST01a.

2. Reason ST03a.
3. To define a clear design brief in response to the environmental constraints of the site in accordance with the aims of Policies SF5, NBE5, NBE6, H9 and NBE16 of the Adopted Derbyshire Dales Local Plan (2005)

4. For the avoidance of doubt.

5-19. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

20. To ensure protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

21-23. To ensure protection of protected species present on or using the site and in the interests of securing enhancements to biodiversity in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

24. To ensure that the principles of sustainable drainage are incorporated into the development and sufficient detail of the construction, operation and maintenance of sustainable drainage systems are provided in accordance with the aims of guidance contained within the National Planning Practice Guide (2014).

25. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with the aims of guidance contained within the National Planning Practice Guide (2014).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the design and appearance of the replacement dwelling.

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 of Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for Mr I Turkington).

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

4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the new estate street 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 soak-away within the site.
5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp or telephone Call Derbyshire on 01629 533190.

6. 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.

7. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

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

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

10. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Street-works Section).

11. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers’ works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council’s Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
12. The Highway Authority recommends that the first 5m of the proposed access driveway 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.

13. The application proposals are affected by a Prescribed Building Line under the Road Improvement Act 1925. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line(s). The applicant is advised to write to the Strategic Director Economy, Transport and Environment at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line(s) be removed and confirming that they will meet the Authority’s administrative / legal costs if the removal is approved. For further advice, please contact 01629 538650.

14. The applicant is advised in accordance with the evidence base for the emerging local plan contained within ‘The Housing and Economic Development Needs Assessment (September 2015)’ that the housing mix proposed as part of any reserved matters should comprise the following: 1-bed properties at 5%, 2-bed properties at 40%, 3-bed properties at 50% and 4-bed properties at 5%. Any alternative mix to the above will need to be appropriately justified in the application submission.

15. The applicant is advised to consider constructing dwellings that are built to lifetime homes standards.

16. The applicants’ attention is drawn to Derbyshire Fire and Rescue Service recommendations (as part of the County Council Strategic Infrastructure comments) that a 32mm mains riser is incorporated into the residential development and ideally that sprinkler systems are installed within the dwellings.

17. The applicant is advised that in order to discharge conditions 23 and 24 that they should ensure all of the below parameters have been satisfied:

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

2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations
2000. In particular, the following information should be provided to the Local Planning Authority for review:

- Soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site.
- If infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to:
  i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints,
  ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company (WaSC) deems this acceptable, or
  iii. a combined public sewer, with appropriate evidence that the relevant WaSC deems this acceptable.

18. This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated .............

19. This Decision Notice relates to the following documents:

- Planning Application Form and Ownership Certificates;
- Red line boundary plan (Drawing No. 141206);
- Concept Masterplan (Drawing Nos. 3202 Revision A);
- Topographical Survey;
- Tree Constraints Plan (Drawing No. 01);
- Landscape Strategy Plan (Drawing No. 02);
- Proposed Access Arrangements with 25m Forward Visibility Envelope (Drawing No. 13/419/TR/001);
- Planning Statement prepared by Turley;
- Statement of Community Involvement prepared by Turley;
- Design and Access Statement prepared by Turley;
- Heritage Statement prepared by Turley;
- Landscape and Visual Impact Appraisal prepared by Barry Chinn Associates
- Flood Risk Assessment prepared by Weetwood Services Ltd
- Utilities Assessment prepared by Weetwood Services Ltd
- Phase 1 and 2 Site Investigation Report prepared by Provectus
- Noise and Air Quality Assessment prepared by Acoustic Air
- Archaeological Desk Based Assessment prepared by CgMs Consulting
- Transport Assessment prepared by Bryan G Hall
- Pre-Development Tree Survey prepared by Midland Tree Surgeons
- Preliminary Ecological Assessment prepared by Middlemarch Environmental, and
- Ecological Impact Assessment reports prepared by AED Ecology dated February 2016 received by the District Council on the 14th October 2015, and;
- Proposed Site Access Drawing numbered 13/419/TR/002 received by the Local Planning Authority on the 27th April 2016;
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00355/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Rick Yard Orchard, Church Lane, Brailsford</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection of 6 No. Bungalows and Associated Garages</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Mr J Tomkinson and Mr S Derbyshire</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Brailsford</td>
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<tr>
<td>AGENT</td>
<td>Julia Allen Building Design</td>
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<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor A Jenkins</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>12.07.16</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Due to the number of objections raised to the proposal</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To allow members to fully appreciate the site context.</td>
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</tbody>
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**MATERIAL PLANNING ISSUES**
- Principle of development
- Affordable housing
- Impact upon character and appearance of Conservation Area
- Impact upon setting of nearby listed building (Old Hall Farm)
- Design and appearance
- Impact upon ecology
- Impact on tree
- Residential amenity
- Highway safety

**RECOMMENDATION**
- Refusal
1. THE SITE AND SURROUNDINGS

1.1 The application site is an open green field with hedging to the borders of the site. There is a large Oak tree to the northern boundary with an existing farm access to the east. The site is relatively level. The site is on the outskirts of the village of Brailsford with a medical centre to the east of the site on The Green within the Conservation Area. The area around the site is a collection of former farm buildings associated with Grade II listed buildings at Old Hall Farm and to the north east at Green Farm.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect 6 bungalows arranged around a paved courtyard accessed via the existing access which runs between existing dwellings. To the ground floor the bungalows would have a kitchen and lounge area, bedroom en-suite and separate WC, a staircase would lead to the attic space to provide additional accommodation. The design of the units is with a small window to one side of the front elevation, an offset doorway with porch with a large 3 paned glazed element, each pair
would have a central chimney. Two small windows are proposed to the ground floor and attic space above to the side gable elevation. To the rear elevation a double door and small windows are proposed. To the western and southern pairs of dwellings a small covered parking area is proposed to serve the pairs of units with two spaces provided for each pair. To the northern pair the parking is proposed to the eastern side of the dwellings.

2.2 The key points of the Design and Access Statement are that:

- All of the dwellings would be affordable units with 4 being for rent and 2 being for shared ownership.
- Discussions have been ongoing with Peak District Rural Housing.
- Historically the site was used for storage of hay and contained agricultural buildings.
- It is considered that the access and design are appropriate.
- The units are intended to be to accessible and adaptable building standards.
- The affordable units would be passed to Peak District Rural Housing Association.
- The units are to be of brick with clay tiles to the roof.
- Maintenance of the grassed areas will be provided.
- The large Oak tree is important to the landscape and will be preserved and protected from harm before, during and after works.
- It is proposed that the hedgerows will be professionally re-laid in a traditional form and new native planting, in double staggered format will be undertaken where the hedge is sparse.
- Access will be of tarmac finish with the courtyard having a porous surface.
- No flood risk in this area.

2.3 The submitted Ecology Survey makes the following key recommendations:

- The hedgerows on the site have UKBAP and LBAP status and should be managed accordingly.
- Hedgerows should be retained where possible for ecological benefit.
- Retained trees should be adequately protected.
- Further survey works should be carried out in relation to Great Crested Newts.
- Site checks should take place before works commence.
- Unlikely a Natural England licence will be needed.
- Testing of local ponds should be undertaken.
- The area may be used by badgers; good working practices should be used in relation to this.
- Lighting schemes should be designed to avoid harm to bats.
- Avoidance of the bird breeding season unless site pre-checked.

2.4 A letter of support has been received from Peak District Rural Housing Association which notes the following key points:

Support the application.
The association specialises in provide homes for local people.
6 bungalows proposed, 4 for rent and 2 for shared ownership.
They will be built to lifetime homes standards.
Shared ownership properties would be available for those who own their own home but wish to downsize.
The site is close to local services, with a shop and post office in easy walking distance and bus services nearby.
The housing needs survey shows 12 people over 55 in need of accommodation. There are no subsidised rented bungalows in the village.
There are other affordable homes under construction in the village and more to come in the future but it is understood none of these are bungalows.
On home options there are 14 households of people over 50 registered for accommodation with a connection to Brailsford from a local event 6 people submitted forms for the accommodation.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4: Development In The Countryside
- SF5: Design And Appearance Of Development
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design And Appearance Of New Housing
- H13: Affordable Housing Exceptional Sites In Rural Areas
- H14: Housing To Meet The Needs Of The Elderly And People With Disabilities
- NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
- NBE6: Trees And Woodland
- NBE10: Flood Risk And Surface Water Discharge
- NBE16: Development Affected A Listed Building
- NBE21: Development Affecting A Conservation Area
- NBE26: Landscape Design In Association With New Development
- NBE27: Crime Prevention
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

3.2 Other:
- National Planning Policy Framework
- National Planning Practice Guidance
- Brailsford Conservation Area Appraisal.
- The ‘Setting Of Heritage Assets’ document 2015 (Historic England)

3.3 Derbyshire Dales Local Plan Draft Plan:
- Policy S3: Settlement Hierarchy (Brailsford is within the third tier)
- Policy HC2: Housing Land Allocations
  - HC2(e) land to the north of A52, Brailsford for 32 dwellings
  - HC2(f) land to the north of Main Road, Brailsford for 45 dwellings
  - HC2 (g) land off Luke Lane, Brailsford for 26 dwellings
  - HC2(h) land at Luke Lane/Mercaston Lane, Brailsford for 47 dwellings
- Policy HC4: Affordable Housing

4. RELEVANT PLANNING HISTORY

11/00736/OUT Erection of 8 no. semi-detached dwellings and associated access and car parking (outline) – Withdrawn

The applications below pre-date the designation of the Conservation Area on the 6th July 1996:

WED/1183/723 Erection of five old person bungalows (outline) – Refused for the following reasons:

1. This proposal would result in a substantial and unnecessary encroachment into the open countryside to the detriment of the attractive nature of the area.

2. In the opinion of the Local Planning Authority any substantial residential development should be on the northern side of the trunk road on sites better related to settlement pattern and road network
3. In view of the amount of new residential building recently developed and already approved in the village, it is not considered that further development on the scale envisaged in this proposal is justified.

WED/1178/793 Conversion of farm buildings to dwellings – Permitted with conditions

ASR/274/19 Conversion of disused farm buildings to dwellings – Permitted with conditions

Adjacent site – WED/579/361 Erection of Medical Centre – Permitted with conditions

5. CONSULTATION RESPONSES

Parish Council
5.1 Agree to application in principle as it meets the demands of the village but there are concerns about the access arrangements. The PC would like details of the highways report and request that any design must be compatible and complementary to the Conservation Area.

Derbyshire County Council (Highways)
5.2 Access onto The Green has a 30mph speed limit and therefore the visibility should be 2.4m x 43m in both directions. Due to third party land the visibility splays are much less than this recommended distance. Furthermore any private access serving this number of dwellings should have a minimum width of 4.8m for the initial 5m to enable 2-way traffic. The site access does not allow for this. Although the proposal is for bungalows for the elderly this does not necessarily mean that such dwellings will generate less traffic than a standard dwelling. Additional traffic such as service, delivery and visitor vehicles must also be considered. It is therefore likely that the proposed development would significantly increase the traffic associated with the sites existing severely substandard access. Recommend refusal.

5.3 Derbyshire County Council (Flood Team)
Refer to standing advice:
- Promotion of Sustainable Drainage Systems (SuDS)
- Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015)
- Full ground investigations should be undertaken to inform ground infiltration potential and management of surface water.
- Investigate the potential for hidden watercourses
- Ground investigations needed to ascertain water conditions.
- Responsibility for long term maintenance of systems should be clarified.

Derbyshire Wildlife Trust
5.4 The application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. great crested newt) the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations. Should the above be resolved through the submission of further information then conditions are recommended.

5.5 Conservation Advisory Forum
The forum discussed the characteristics of this part of the Conservation Area which made it distinctive and special. This comprises a number of (listed) historic farmsteads with associated farm buildings (now converted) and associated crofts or paddocks. It was noted that the applicant had made no references to the Conservation Area or the statutory protection (listing) afforded to some of the properties.
The inclusion of a group of domestic dwellings within a historic croft or paddock to the rear of one of these farmstead groups was considered to be inappropriate in that it would have no relationship or association to the historic building group and their historic layout and no relationship to the character and appearance of this part of the Conservation Area.

In conclusion, the forum considered that the principle of such a development in this location and context was inappropriate and would not preserve or enhance the special character or appearance of the Conservation Area. The forum considered the proposed design of the properties and the layout to be poor in concept and detail.

5.6 Design and Conservation Officer (Derbyshire Dales)

The submitted Design and Access Statement makes no reference to the site falling within the designated Brailsford Conservation Area. This is a significant oversight and without reference to it, or an assessment of the impact of the proposed development on the Conservation Area, it can only be assumed that the applicant/agent has given this no consideration.

The east side of The Green (knowns as Brailsford Green) forms part of the Conservation Area (designated 1996). As part of that assessment and designation the west side of The Green is described as having "some of the village’s oldest buildings (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft and croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows on The Green are believed to be of considerable historic interest and important to its setting". Furthermore, under an assessment of ‘notable features’ of the Conservation Area it is recognised that “The Green has seen the least disruption to its character and appearance. It has a semi-rural character, comprising mainly of former farm buildings”.

The historical layout of the west side of The Green comprised farmsteads - Green Farm, Old Hall Farm and Ford Farm. Both Green Farm and Old Hall Farm were relatively substantial agricultural establishments with a range of associated farm buildings formed in a courtyard configuration. These farm building ranges gave access (westwards) to crofts and orchards and then leading out to the primary farming land. The western boundary of the Conservation Area follows this historic and important edge of the crofts and tofts associated with these historic farmsteads. As a historical and architectural (listed) ensemble or grouping of such buildings on this side of The Green they form a significant and distinctive primary element of the Brailsford Conservation Area in terms of its special architectural and historic interest, as well as its special character and appearance.

It is acknowledged that the farm building ranges have been the subject of residential conversion but these have been undertaken sensitively and sympathetically and retain their inherent character and appearance. The principal intrusion is the GP Surgery (of 1979, with later additions). As a singular intrusion, close to The Green, the designation of the Conservation Area and the qualities and attributes of the historic buildings, their land layout and their character were deemed such that that significant, special, character was maintained and deserving of statutory designation in 1996.

With regard to the proposed development of six, one-storey, dwellings forming a cul-de-sac within the historic croft to the rear of Old Hall Farm it is considered that this would breach the historic and established building zone of the properties on the west side of The Green, introduce alien building types, form and layout and develop an historic croft which has been recognised as an inherent and integral part of the overall significance and character of this part of the Conservation Area. In that regard, it is considered that special attention has not been paid to the desirability of preserving or enhancing the character or appearance of the area and that the principle of development on this particular site (and its
context and setting) will not preserve or enhance the character or appearance of the Brailsford Conservation Area.

With regard to the potential impact of the development on the setting of the listed building (Old Hall Farm – grade II) its 'setting' is considered to be the farmstead or farm grouping as an holistic ensemble comprising the farmhouse, its former farm buildings, and their associated curtilage which includes the croft or former orchard (the proposed development site) beyond the farm buildings which then led out to the open fields beyond. Whilst residential conversion/ alteration of the farm buildings has occurred in the late 20\textsuperscript{th} century the holistic ensemble can still be understood and read within the landscape – i.e. it retains a distinct narrative. The axial vista or access way through the site will allow, due to the flatish topography, a primary view of part of the proposed development (and its proposed residential design and appearance). The presence of this will impede that narrative and in that regard the proposed residential development would harm the overall setting of the farmstead grouping/ensemble, which includes the grade II listed farmhouse.

**Landscape Design Officer (Derbyshire Dales)**

5.7 No objection in principle. Notwithstanding any significant adverse impact there may be on historic environment unlikely to harm landscape character or visual amenity. The proposed development would be cramped with the result that vegetation may be lost to the south the development is too close to the hedge to allow it to thrive. Supplementary planting is welcomed but unlikely to outweigh the difficulties expressed above. For information it is not permitted to plant ash trees at the moment due to the national problem with Ash dieback disease.

**Arboriculture Officer (Derbyshire Dales)**

5.8 The application has been submitted without the necessary arboricultural information to be able to formulate detailed comments on the proposal. A topographical survey, tree survey, arboricultural report and arboricultural impact assessment are required.

Based on the submitted details there are concerns in relation the proposed construction of dwellings in close proximity to a large mature spreading Oak tree on the northern boundary of the site which contributes to the character and appearance of the Brailsford Conservation Area.

Without an accurate plot of the trunk of the Oak Tree and its canopy spread with its trunk diameter of 1.5m above ground level it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak Tree, which as a species resents root disturbance. Any problems would be exacerbated by the excavations for the propose drainage system between the bungalows and the mature Oak. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak Tree to the detriment of the character and appearance of the Conservation Area.

**Development Control Archaeologist**

5.9 The application area is a site of c0.17ha to the west of The Green, Brailsford. Brailsford appears to have two main early centres, the first situated in the area of Brailsford Green, where the likely site of a moated manor house is shown on 19\textsuperscript{th} century Ordnance Survey east of the Old Rectory, and where the buildings of Old Hall Farm date in part from the 17\textsuperscript{th} century. The second centre lies further north, on the line of the Derby to Ashbourne turnpike, and may suggest migration of the settlement onto the line of the new road during the 18\textsuperscript{th} century. It appears likely that the medieval village lay south of Main Road, in the area now known as Brailsford Green. The church, lying some distance west of the village, does not apparently mark an early settlement site, but was a shared benefice between Brailsford and Ednaston parishes and was therefore situated midway between the villages.
The current proposal site is situated within the likely area of medieval occupation at Brailsford, and therefore may retain below-ground archaeological remains of this date. Historic mapping does not suggest that the site has ever been developed as part of the Old Hall Farm curtilage; it appears to have functioned in the late 19th – early 20th centuries as an area of orchard/paddock land to the rear of the farm complex. Archaeological remains on the site might therefore be well-preserved.

Recommend that this potential archaeological impact be dealt with through a condition placed on any planning consent, in line with NPPF para 141, to secure archaeological recording of the site. The scope of this work will depend upon the nature of groundworks proposed, but might involve elements of trial trenching, strip-and-record, and/or monitoring of groundworks, with targeted areas of excavation should significant remains be present.

Strategic Housing (Derbyshire Dales)
5.10 This is an exception scheme of 6 bungalows, 4 for rent and 2 for shared ownership which will be owned and managed by Peak District Rural Housing Association. This needs clarification as the Design and Access Statement (pg.3) and the Planning Application Form both indicate that 4 properties are for outright sale, with only 2 properties being offered to Peak District Rural HA to provide affordable homes.

I carried out a Housing Need Survey in Brailsford in January 2011 which identified 28 households with a strong local connection to Brailsford in need of affordable housing. There are currently no affordable bungalows in Brailsford and the 6 proposed bungalows would meet the need identified in the survey from older people. Current Home-Options’ data (the District Council’s Housing Register) confirms this need, the details of which Alison Clamp of Peak District Rural Housing Association has included in her statement.

We also very much welcome that the proposed homes will be built to the ‘Lifetime Homes Standard’ (now M4(2) of the Building Regulations), with an upstairs room for a carer/visitor. This site is centrally located, close to and on the same side of the road as the GP surgery. Since the survey, 7 x 2 and 3 bedroomed affordable houses have recently completed on Luke Lane, Brailford, but no affordable bungalows have been provided.

Whilst there are other potential sites that may come forward as identified in the Derbyshire Dales Local Plan Draft Plan 2016, we need to take the opportunities to provide affordable housing as they arise. Developers often need to be prompted to provide bungalows as they require more land than houses or flats, so the potential provision of an affordable housing scheme of all bungalows is very much welcomed. PDRHA has an allocation of Homes and Communities Agency (HCA) grant funding for this scheme. The Community Housing Team is fully supportive of this scheme of 6 bungalows, if they are indeed all to be owned and managed by Peak District Rural Housing Association (PDRHA).

6. REPRESENTATIONS RECEIVED

6.1 A total of 11 representations have been received. A summary of the representations is outlined below:

6.2 Impact upon character and appearance:
The site is within the ancient settlement of Brailsford close to a listed building. An archaeology survey is required.
Adverse impact on Conservation Area.
The buildings and land surrounding the development are all of an agricultural heritage dating back to 17th and 18th century being the farmhouse and barns of grade 2 listed Old Hall Farmhouse.
The only previous building on the proposed site was an open sided Dutch barn.
The density is out of character.
Object to the size and arrangement of the scheme.
Development should preserve or enhance the conservation area, this development would be harmful.
The development is outside of a settlement.
The special character and setting of the listed building will be lost.
Inappropriate development in the countryside.
Harmful to the character of the landscape.
The site is part of the agricultural heritage of the area.
The proposed planned development in Brailsford is significant and will more than meet the needs of housing in this area without needing to damage the older part of the village.

6.3 Highway Safety:
Church Lane is too congested due to the surgery.
The access is hazardous due to on street parking this development will worsen the situation.
Dangerous bend near the junction to Church Lane.
Danger to pedestrians which would be worse through this development.
Road unsuitable for use by the elderly.
The driveway is narrow without pavement or lighting and is prone to flooding.
Existing residents are responsible for the maintenance of the driveway and would be unwilling to allow the works and associated traffic.
Photographs submitted showing the parking congestion on Church Lane.
The road is not adequate for emergency vehicles to pass a parked or moving vehicle.
Large agricultural vehicles cannot pass along Church Lane due to the congestion with parking.
Dangerous junction onto Church Lane.
Large vehicles would have to reverse from the site as inadequate space to turn.

6.4 Amenity:
Will spoil the outlook and privacy of neighbouring dwellings.
Harmful to quiet enjoyment of property.
The noise and nuisance from the development would harm amenity.
Increased traffic close to existing dwellings would harm amenity.

6.5 Other:
Will damage the trees on site, the oak is larger than shown on the plan.
The development would harm the roots of the tree, harm to the tree would introduce a danger.
Adverse impact upon flora and fauna.
Flooding of the driveway occasionally floods into Old Hall Farmhouse – worsening of this could harm the listed building.
This site is not appropriate for the elderly.
Existing essential services are already stretched (Gas, Water, Electricity, Sewerage)
Previous application has been refused.
It is an area unsuitable to live for those without a car.
Refer back to application 11/00736/OUT (Withdrawn application)
There are few amenities in the area and this is some distance from them.
Elderly residents would feel isolated and trapped in such a setting.
The units would not allow a visitor to stay due to restricted size.
This is green field site.
Managed gardens would not allow the residents to have the beneficial activity of gardening.
Where would bins be stored.
A smaller number of larger properties would be better.
Trees have been removed from the site in recent years.
Surface water drainage problems.
7. OFFICER APPRAaisal

The following material planning issues are relevant to this application:

- Principle of Development
- Affordable Housing
- Impact upon character and appearance of the Conservation Area
- Impact upon the setting of the Listed Building
- Design and appearance
- Impacts on ecology
- Impact on tree
- Residential amenity
- Highway safety

This section will address each of these issues in turn.

Principle of Development

7.1 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Paragraph 49 of the National Planning Policy Framework the lack of housing supply means that the housing policies of the adopted Local Plan must be considered out of date. Therefore the determination of applications for new housing developments must be considered in accordance with paragraph 14 of the National Planning Policy Framework.

7.2 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, 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 this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

In this case this means that Footnote 9 to the latter part of paragraph is engaged where it identifies that where policies relating to heritage assets are to be considered this is a circumstance where the latter test applies and therefore the presumption in favour would not apply.

7.3 It should be noted that the existing policies within the Adopted Local Plan which relate to heritage assets are not out of date as they remain broadly consistent with guidance contained within the NPPF.

7.4 It is acknowledged that in order to meet the housing need some development is likely in the villages and on green field sites where such development can assist in the continued provision of local services and facilities. Therefore in principle development in villages such as Brailsford where there are some services and facilities is likely to be acceptable in principle as development in a sustainable location. Sustainable development is promoted through the NPPF including paragraph 14. However there are three roles to sustainability which need to be considered, not only the location of development.

Affordable Housing

7.5 The submitted scheme is to provide affordable housing and is supported by our strategic housing team within the Council and by Peak District Rural Housing Association as an exception site. It is confirmed that there is a need for such affordable units within Brailsford. However, it is likely that through the emerging local plan other sites within Brailsford will be put forward for housing development and there will be a need to provide affordable housing on site as part of those larger developments.
The preamble to the settlement hierarchy policy in the Draft Local Plan notes that twelve villages are identified as accessible settlements with limited facilities. These villages, which include Brailsford, are the most sustainable villages in the rural areas which generally have a good local infrastructure, some local employment opportunities and good accessibility to the towns and larger centres. Such villages also serve the surrounding smaller villages and rural areas. The spatial strategy of the draft plan focuses the bulk of the rural development in these settlements and seeks to ensure they are sustained and promoted as service centres. The scale of new development in any of these villages will generally be relative to their current size and infrastructure.

Policy S3 of the Draft Local Plan identifies Brailsford as a third tier settlement, such villages possess a limited level of facilities and services that, together the improved local employment, provide the best opportunities outside the first and second tier settlement for greater self-containment.

Policy HC2 of the Draft Local Plan identifies four sites in Brailsford for development totalling 150 dwellings.

Policy HC4 of the Draft Local Plan requires that on such development sites at least 30% of all dwellings will be affordable and provided on site. Given the draft allocations of 150 units this would result in 45 of those units being affordable dwellings.

Therefore the development of this site for affordable housing is not the only option for providing such affordable housing going forward. It has been mentioned by Peak District Rural Housing Association that none of the other sites will put forward bungalows. However, as and when these sites come forward the council’s strategic housing team will be able to specify the affordable housing mix which can include bungalows or accommodation suited to disabled persons.

**Impact upon character and appearance of the Conservation Area**

In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

> With respect to any building or land in a Conservation Area…….special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This is reflected in government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

> When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification……Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The prevailing character of development in this part of the Conservation Area is of farm groupings around a principle listed building, the only exception to this being the siting of
the medical centre fronting the highway between the two farm groupings. The ranges of farm buildings gave access to crofts and orchards, then leading out to the primary farming land. This landscape pattern remains and is integral to the character and appearance of this part of the Conservation Area in one of the oldest parts of the village, which likely dates back to medieval occupation. It is therefore considered that residential development in this location is in principle harmful to the character and appearance of the Conservation Area, the harm in this case is considered to be less than substantial harm given the small area of the Conservation Area that is affected by the development.

7.14 This less than substantial harm has to be weighed against any public benefits arising from the scheme. This is a site for affordable housing to meet a local need. Whilst this can attract significant weight in the planning balance as other development sites within Brailsford will come forward with the potential for substantial on site affordable housing and in a less sensitive context it is not considered that the need in this case, which can be accommodated elsewhere in the village, outweighs the harm to the Conservation Area. Therefore the development has failed to meet local and national planning policy in this respect.

Impact upon the setting of the Listed Building

7.15 In terms of the Listed Buildings, the primary legislation is set out in the planning (Listed Buildings and Conservation) Act 1990. Section 66 of the Act states:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

7.16 Therefore when considering development which may have an impact upon the setting of a listed building the NPPF advises as noted above that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification…….Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.17 The ‘Setting Of Heritage Assets’ document 2015 as noted above confirms on page 2 that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and that this extent is not fixed, the document goes on to confirm that the setting of a designated heritage asset can contribute to its significance.

7.18 In this case the setting of the farmstead can still be read as a holistic group which includes the listed farmhouse and associated farm buildings. The relationship between the
farmstead and the small orchard areas leading into the primary agricultural land can still be understood and read within the landscape. It is therefore considered that development in this area will lead to some harm to the setting of the farmstead group including the listed farmhouse resulting in less than substantial harm to the significance of the heritage asset. The harm is considered to be less than substantial harm given the separation between the listed building itself and the development site.

7.19 Whilst there is the benefit of affordable housing in this case, due to the potential for this affordable housing to be created elsewhere within the village it is not considered that this benefit outweighs the harm in this case. Such harm is considered to be less than substantial harm that is not outweighed by any public benefits of the development therefore the proposal fails to satisfy Policy NBE16 of the Adopted Local Plan and part 12 of the NPPF.

**Design and appearance**

7.20 The scheme has been designed as a courtyard of bungalows with parking areas between and a central turning area to the frontage. The form of development is considered to be wholly incongruous in this context having the appearance of a further courtyard beyond the existing farmstead grouping. Furthermore the dwellings are so cramped onto the site; the buildings are overlapped in their layout with WC windows facing directly onto the walling of the adjacent dwelling. The design, form and cramped nature of the development is considered to be incongruous to the prevailing character and appearance of the area contrary to policies SF5 and H9 of the Adopted Local Plan and guidance contained within the NPPF. The incongruous form of development will also exacerbate the harm already identified to the Conservation Area as such the proposal is contrary to policy NBE21 of the Adopted Local Plan and guidance contained within paragraphs 132 and 134 of the NPPF.

**Impacts on ecology**

7.21 Concern has been raised through the application process that the impacts of the development upon protected species have not been satisfactorily concluded. Derbyshire Wildlife Trust have considered the submitted information and have concluded that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species, in particular reptiles and great crested newts, and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. great crested newt) the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

7.22 The applicant’s agent has been made aware of this matter and without further investigation it is considered that the application does not include sufficient information in relation to ecology. In the absence of such information the development has the potential to harm protected species present on the site and as such the proposal fails to meet the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained with the NPPF.

**Impact on Tree**

7.23 There is a substantial Oak tree to the northern boundary of the application site. The application has been submitted without the necessary arboricultural information to be able to formulate a detailed assessment of the proposal and the impact this will have on the Oak tree. Based on the submitted details there are concerns in relation to the construction of dwellings in close proximity to the large mature spreading Oak tree which it is considered contributes to the character and appearance of the Brailsford Conservation Area.
7.24 Without an accurate plot of the trunk of the Oak tree and its canopy spread, it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak tree, which as a species resents root disturbance. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak tree to the detriment of the character and appearance of the Conservation Area. As such the proposal fails to meet the requirements of Policies NBE6 and NBE21 of the Adopted Local Plan and guidance contained within paragraph 118 of the NPPF.

Residential amenity

7.25 The proposed development would be taking place on an open field which is currently backed onto by existing dwellings. Access to the proposed dwellings would also pass in close proximity to the existing dwellings to either side of the access. Whilst the development would no doubt have some impact upon the existing residents, given that the dwellings are single storey and that there is an existing farm access to the land it is not considered that this would amount to harm to residential amenity that would be sufficient to warrant refusal of planning permission. Therefore in terms of residential amenity the proposal is considered to be acceptable on balance in accordance with policies SF5 and H9 of the Adopted Local Plan and guidance contained within the NPPF.

Highway safety

7.26 Concern has been raised that the proposal will adversely affect highway safety. The proposal has been considered by the Highway Authority who have noted that access onto The Green has a 30mph speed limit and therefore the visibility should be 2.4m x 43m in both directions. Due to third party land the visibility splays are much less than this recommended distance. Furthermore any private access serving this number of dwellings should have a minimum width of 4.8m for the initial 5m to enable 2-way traffic. The site access does not allow for this. Although the proposal is for bungalows for the elderly this does not necessarily mean that such dwellings will generate less traffic than a standard dwelling. Additional traffic such as service, delivery and visitor vehicles must also be considered. It is therefore likely that the proposed development would significantly increase the traffic associated with the sites existing severely substandard access. On this basis the proposal has failed to ensure safe access to the site and therefore the development is contrary to policy TR1 of the Adopted Local Plan and guidance contained within the NPPF.

Conclusion

7.27 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.
This is an instance where because of the Conservation Area designation and the impact on the setting of a listed building, the presumption in favour of development does not apply and any harm to the heritage assets has to be weighed against the benefits. In this case the benefit has minimal weight due to the potential for the affordable housing to be sited elsewhere; therefore there is a presumption against harm.

7.28 The location of the site in the village of Brailsford is considered to be acceptable in terms of being a sustainable location where development would be served by local services and facilities. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply. However, the lack of housing supply does not mean that any development is
acceptable. As noted above the NPPF seeks to approve sustainable development. There are three roles of sustainability to be met in order for development to be considered sustainable and therefore acceptable.

7.29 In this case these roles are assessed as follows:
- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers.
- The social role of sustainability would be met through providing affordable housing for a defined local need, but it is likely that such affordable units can be met elsewhere in Brailsford and this needs to be weighed against this benefit.
- The environmental role of sustainability would not be met due to the inappropriate and cramped form of development which will harm the character and appearance of the Conservation Area, the setting of the farmstead including listed building, harm to highway safety, adverse impact upon the Oak tree and failure to demonstrate that there will be no harm to protected species.

7.30 Therefore when considering matters in the round, the harmful impacts of the proposed development are considered to clearly outweigh the benefits of providing 6 affordable bungalows, which in any event can be accommodated on other housing sites in less sensitive locations as they come forward, and therefore planning permission should be refused.

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

1. The development of this site will lead to the loss of the original orchard plot associated with the farmstead grouping typical of the prevailing character of the area, providing the buffer between the farmstead and the primary agricultural land beyond. The loss of this historic pattern of land uses will adversely impact upon the character and appearance of the Brailsford Conservation Area and the setting of the farmstead group which includes the Grade II listed farmhouse. The cramped and incongruous form of the development further exacerbates this harm. The harm in this case is not outweighed by the identified public benefit and as such the proposal is contrary to policies SF5, H9, NBE16 and NBE21 of the Adopted Local Plan and guidance contained within paragraphs 132 and 134 of the National Planning Policy Framework.

2. The proposed development, if permitted, would be likely to lead to the significant intensification in use of an existing substandard access to The Green (CIII), where emerging visibility is severely restricted due to third party land, thereby leading to potential danger and inconvenience to other highway users and interfere with the safe and efficient movement of traffic on the adjoining highway. As such the proposal fails to meet the requirements of Policy TR1 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

3. No adequate provision is included in the application proposals to enable 2-way traffic on the sites existing access driveway within the close visibility of the green, which would be likely to result in drivers waiting on, or reversing out onto the public highway to give way to exiting vehicles, which is against the best interests of highway safety. As such the proposal fails to meet the requirements of Policy TR1 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

4. Without an accurate plot of the trunk of the Oak Tree and its canopy spread it cannot be shown that the excavations for the development and the required working space will not have a significantly detrimental effect on the health of the Oak Tree, which as a species resents root disturbance. The close proximity of the bungalows to the canopy of the tree would likely lead to pressure for the drastic reduction or felling of the Oak Tree to the
detriment of the character and appearance of the Conservation Area. As such the proposal fails to meet the requirements of Policies NBE6 and NBE21 of the Adopted Local Plan and guidance contained within the NPPF.

5. The application does not include sufficient information in relation to ecology. In the absence of such information the development has the potential to harm protected species present on the site and as such the proposal fails to meet the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained with the National Planning Policy Framework.

9. **NOTES TO APPLICANT:**

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

9.2 This decision notice relates to the following documents:

- Design and access statement received 17.05.016
- Location plan JABD/128/001 received 17.05.16
- Primary ecological appraisal received 17.05.16
- Existing landscape plan JABD/128/003 received 17.05.16
- Proposed landscape plan JABD/128/004 Rev A received 17.05.16
- Site plan JABD/128/002 received 17.05.16
- Proposed plans and elevations for dwelling type 2 JABD/128/006 received 17.05.16
- Proposed plans and elevations for dwelling type 1 JABD/128/005 Rev A received 17.05.16
- Proposed drainage layout JABD/128/007 received 17.05.16
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00110/REM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Atlow Lane, Atlow</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of agricultural workers dwelling</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr and Mrs G. Cresswell</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Atlow</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr Daniel Wright</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. Rose</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>13th April 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>The application is considered sensitive and requires committee consideration.</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>To assess the impact of the agricultural workers dwelling on its surroundings &amp; to consider whether it is of an appropriate scale.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Whether the scale, appearance and associated landscaping of the proposed agricultural dwelling is acceptable, and;
- Whether the proposed dwelling would constitute a sustainable form of development in the countryside, in terms of its scale and the essential needs of the existing rural based business.

**RECOMMENDATION**

Refusal.
16/00110/REM
Atlow Lane. Atlow

Derbyshire Dales DC
Date: 30/06/2016
100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to a rectangular shaped parcel of rising grassland, which forms part of a large field, adjacent to Atlow Village Hall, off Atlow Lane (see figures 1 and 2). The site currently has a field gate and hedgerow along its frontage to Atlow Lane and a stone wall along its southern boundary with the village hall. The rear boundary aligns with that of the village hall and, as with the northern boundary, is currently part of a large open field.

1.2 The site is associated with long established livestock enterprise at Brook Farm and was recently subject to the granting of outline planning permission and associated access for an agricultural workers dwelling.

1.3 To the north of the site on the opposite side of Atlow Lane is the church of St Philips and St James’s, a Grade II Listed Building (see figure 3).

2. **THE APPLICATION**

2.1 The application follows the earlier refusal of a reserved matters application for a four bedroomed agricultural workers dwelling on the site on the 8th June 2015 (see relevant history).

2.2 This application seeks approval of matters which were reserved in respect of outline application 13/00263/OUT, including appearance, landscaping, layout and scale of the agricultural workers dwelling. It is proposed to erect a full two storey high dwellinghouse on the site. It will be perched on high ground and positioned at the rear of the plot, forward
of the principal elevation of the village hall. A large area for parking/manoeuvring is shown in front of the dwelling. The applicant had proposed to construct a dwelling with a centrally positioned, primarily glazed oak framed gable facing Atlow Lane, rocket chimneys, gablets and an adjoining single storey garage. Amended plans have been submitted which show the removal of the contemporary gable element, gablets and rocket chimneys. The garage has also been separated from the main dwelling. It will sit in the south west corner of the site, forward of the dwelling and will be 6m square. The appearance of the dwellinghouse has been simplified. It is of generally traditional appearance with a large feature window in the principal elevation, recessed behind the facing brick work. A gable off set to one side is proposed at the front and a pair of gables with centrally positioned ground floor lean to at the rear.

2.3 Materials are to be similar to the village hall with elevations being brick walls (with corbelled eaves and verge details). Stone heads and cills are shown to windows and the dwelling is to have a dark grey plain tiled roof. Windows are to be of powder aluminium construction finished grey. Existing boundary treatments to the west and south are shown to the retained. The north and eastern boundaries will be defined by a post and rail fence. A gateway will provide access into the field along the northern boundary. At ground floor the dwelling will accommodate a large kitchen diner, hall, utility, w/c, living room and office. A master bedroom with robes room and ensuite, separate bathroom and two further bedrooms are shown at first floor. The Internal floor area of the dwelling and garage will total 201sq. m.

2.4 The majority of the frontage will be finished in tarmacadam. The remainder of the site will comprise lawn.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005):

SF4: Development in the Countryside
SF5: Design And Appearance of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
NBE8: Landscape Character
NBE12: Foul Sewage
NBE16: Development Affecting a Listed Building
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For new Development

3.2 Other:
The National Planning Policy Framework (2012)

4. RELEVANT PLANNING HISTORY

4.1 15/00246/REM – Erection of agricultural workers dwelling and associated access (Approval of Reserved Matters) – Refused for the following reasons:

1. The proposed details comprising a two-storey, four bedroom agricultural workers dwelling in conjunction with the existing farmhouse at Brook Farm, Atlow are not considered to be commensurate to the needs of the existing farming enterprise. The development is therefore not considered to constitute sustainable development in the countryside, and as such, is contrary to the advice at Paragraph 55 of the National Planning Policy Framework (2012).
2. The proposed details by reason of the dwellings overall size and design relative to the application site would together with its parking and manoeuvring space result in a large, imposing form of development dominant in its context and contrary to the local sense of place in this isolated rural location. As such, the details are contrary to the aims of Policies SF4, SF5, H9 and TR1 of the Adopted Derbyshire Dales Local Plan (2005) and the advice at Paragraph 56 ‘Requiring Good Design’ of the National Planning Policy Framework (2012).

13/00263/OUT – Erection of agricultural workers dwelling and associated access (Outline) – Granted

5. CONSULTATIONS

5.1 Parish Council:
No comments received.

5.2 Local Highway Authority:
No comments sought.

6. REPRESENTATIONS

6.1 None.

7. ISSUES

7.1 Outline planning permission has been previously granted for an agricultural workers dwelling on the site under code reference 13/00263/FUL, with appearance, layout, scale and landscaping reserved for subsequent approval. A supporting statement which accompanied this application advised that a two storey dwelling was envisaged and that this would accommodate 2/3 bedrooms, and a net internal floor space of no more than 150sq.m. An application for approval of reserved matters followed which proposed a much larger dwelling and was refused on the basis of its inappropriate design / appearance and scale.

7.2 Whilst paragraph 55 of the NPPF indicates that rural worker dwellings can be a special circumstance for permitting isolated homes in the countryside, this is on the basis of such development meeting an essential need. In order to promote the aims of sustainable development it is considered reasonable to ensure that a rural workers dwelling is commensurate with the needs of the business and which can be sustained from the income derived from that particular rural activity (in this case agriculture) to ensure that there is a reasonable prospect that such a building can be retained for its intended purpose for future generations. Whilst the overall floor area of the dwelling has been reduced it is still large at 201sq. m. The size of the dwelling is considered excessive to provide accommodation for one key worker and his/her immediate family and it is unclear as to whether the existing enterprise could sustain the costs associated with the construction of a dwelling of the size proposed, in addition to the costs of renting an additional farmhouse and farm buildings and employing a full time worker. Without such information, the Local Planning Authority cannot be satisfied that the development would be commensurate with the needs of the existing business and constitute a sustainable form of development in the countryside.

7.3 With regard to the size and design of the proposed dwelling, the applicant has submitted amended plans which show the deletion of superfluous elements, including the primarily glazed oaked framed gable projecting beyond the front elevation, gablets and timber framing and the separation of the garage, to help reduce the massing of the principal building. The building which is now proposed is of a more traditional appearance, although
at a full two stories high, the building is taller than that which was refused as part of application 15/00246/REM. The building plot is relatively small and sits between a longstanding village hall, which is immediately adjacent and the church of St Philips and St Jame’s, a Grade II Listed Building to the north in rolling countryside. A core planning principle at Paragraph 17 of the NPPF is to recognise the ‘intrinsic character and beauty of the countryside’ in decision taking. Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) advises that development in the countryside should be appropriate in scale and nature, should preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Policy SF5 requires ‘the scale, density, massing, height, layout, materials of construction and landscaping to preserve or enhance the quality and local distinctiveness of its surroundings and aligns with guidance contained within the National Planning Policy Framework. A concern with the previous application was also the harm caused by the parking and manoeuvring area which was considered to dominate the site frontage. The proposed dwelling has a slightly smaller footprint and sits closer to Atlow Lane, reducing the amount of parking and manoeuvring space required. An access to the field from within the site will be maintained along the northern boundary and pockets of lawn will help break up the extent of hardstanding area proposed. Although the separation of the garage helps to break up the mass of the building, its prominent siting on the site frontage, results in a form of development that is quasi suburban in appearance, which would be at odds with / out of keeping with the rural character of its immediate surroundings. The main dwellinghouse also covers a large proportion of the plot and would sit at a high level above the road. The overall height and plot coverage of the building is such that it would appear as an overly dominant and visually obtrusive building within this part of the countryside and cause harm its character and appearance. Policy H9 of the Adopted Derbyshire Dales Local Plan requires that the design and appearance of new housing satisfies a number of provisions, including that it should be in scale and character with its surroundings. It is not considered that the proposed dwelling achieves this objective or the objectives of policies SF4 or SF5.

7.4 Notwithstanding the above, insufficient information has been submitted to demonstrate that the scale of the proposed agricultural workers dwelling would be commensurate with the needs of the existing rural based enterprise in this case and its scale is such that it would appear as an overly dominant and visually obtrusive building within this part of the countryside, harmful to its character and appearance. It is recommended that the application be refused for these reasons.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. Insufficient information has been submitted to demonstrate that the scale of the proposed agricultural workers dwelling would be commensurate with the needs of the existing rural based enterprise in this case. Without such information the Local Planning Authority cannot be satisfied that the development constitutes an essential and sustainable form of development in the countryside contrary to guidance contained within the National Planning Policy Framework (2012).

2. The scale and prominent siting of the garage and main dwelling is such that they would appear as overly dominant and visually obtrusive buildings that, without clear justification, would result in significant harm to the character and appearance of this part of the countryside contrary to the aims of Policies SF4, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
NOTES TO APPLICANT:

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

2. This Decision Notice relates to the following documents:

   1:1250 Scale Site Location Plan, and;
   1:500 Scale Existing Topographical Survey Plan numbered 01 received by the District Council on the 16th and 17th February 2016, and;
   Amended 1:200 Scale Proposed Site Layout Plan numbered 01, and;
   1:100 Scale Proposed Dwelling and Garage Elevations Drawings numbered 01 received by the District Council on the 21st June 2016.
<table>
<thead>
<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00016/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Parkfield House Farm, Kniveton lane, Offcote</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Change of use of outbuilding to holiday let and incorporation of land into domestic curtilage (retrospective)</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mrs Becky Harrington</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Offcote and Underwood</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Mr Nigel Gould</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Millward Bull</td>
</tr>
<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>29&lt;sup&gt;th&lt;/sup&gt; March 2016</td>
</tr>
<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>The Development Manager considers the application to be sensitive</td>
</tr>
<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>At request of officers to enable members to assess the impact of the development on the local landscape and the amenity of the occupants of the neighbouring barn conversion dwelling</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The acceptability of the proposed holiday let use.
- Whether the incorporation of the landscaped strip between the two original access drives within the curtilage of Parkfield House Farm would preserve or enhance the local landscape / character and appearance of the surrounding countryside in this case.
- Whether there would be any adverse impacts on the immediate and wider environment, including the amenity / privacy of the occupants of the neighbouring barn conversion dwelling.

**RECOMMENDATION**

Approval with conditions.
16/00016/FUL

Parkfield House Farm, Kniveton Lane, Offcote

Derbyshire Dales DC

Date: 01/07/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 Parkfield House Farm (see figure 1) is located within open countryside between Kniveton and Bradley. Access is off Kniveton Lane and is shared with Parkfields Byre (shown in figure 2), a barn conversion dwelling in separate ownership to the south. The former farm grouping is set back from the road behind a double mature hedge with mature hedgerow trees which encloses a narrow field extending along the road frontage. The application relates to an outbuilding, which sits to the side and forward of the main farmhouse which was granted permission in 2003 for ancillary residential use. The application also concerns a strip of land between the original farm access and an access drive which was formed in 2006.

2. **THE APPLICATION**

2.1 Retrospective planning permission is sought to continue to use the outbuilding as a two bedroomed holiday let, which the applicant states has been used for such purpose for the last three years. Retrospective planning permission is also sought to retain and incorporate the vehicular and pedestrian crossovers into the domestic curtilage of Parkfield House Farm. Two vehicular crossovers have been formed in front of a modern agricultural storage building to the north and provide access to a parking area serving the holiday let. A further vehicular crossover has been formed in front of the garage belonging to Parkfield House Farm and two pedestrian crossovers in between (these crossovers can be seen in figure 3).

2.2 The original application also sought permission to use of the area of pasture in front the main farmhouse for occasional recreational use. However, this element of the scheme has been withdrawn following concerns that its associated domestication would result in significant harm to the local landscape and character and appearance of this part of the countryside.

(Figure 1)  (Figure 2)
3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

SF4: Development In The Countryside
SF5: Design And Appearance of Development
H5: Conversion And Re-Use Of Buildings To Provide Residential Accommodation Outside Settlement Frameworks
H8: Extending Domestic Curtilages into the Countryside
EDT16: Re-Use of Rural Building for Industrial and Business Use
EDT19: Tourism Accommodation Outside Defined Settlement Frameworks
NBE8: Landscape Character
NBE12: Foul Sewage
NBE26: Landscape Design in Association with New Development
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development

3.2 Other:

The National Planning Policy Framework (2012)

4. RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Number</th>
<th>Application</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/00641/FUL</td>
<td>Replacement access driveway.</td>
<td>Refused</td>
<td></td>
</tr>
<tr>
<td>06/00101/FUL</td>
<td>Formation of vehicular access.</td>
<td>Granted</td>
<td></td>
</tr>
<tr>
<td>05/00867/FUL</td>
<td>Formation of vehicular access.</td>
<td>Refused</td>
<td></td>
</tr>
<tr>
<td>02/12/0953</td>
<td>Alterations and extension to dwelling, conversion of outbuilding to ancillary residential accommodation and erection of garage</td>
<td>Granted</td>
<td></td>
</tr>
<tr>
<td>01/09/0679</td>
<td>Conversion of barn to form dwelling and erection of garage / stables and construction of new vehicular access</td>
<td>Granted</td>
<td></td>
</tr>
</tbody>
</table>
5. CONSULTATIONS

5.1 Local Highway Authority:
The site is located on Kniveton Lane, a quiet rural lane between Kniveton and Bradley which, due to its nature, is subject to low traffic levels and reduced speeds.

Accordingly, there are no highway objections to the above proposal subject to a condition to ensure maintenance of an appropriate visibility splay.

5.2 Parish Council:
There are no objections regarding the retained use of the converted stable for a holiday let.

With reference to change of use of front pasture from agriculture to agriculture part recreational there are no objections but it is strongly felt that consideration must be given that any change of use must not impact on neighbours.

5.3 District Councils Landscape Officer:
Does not object to the incorporation of the landscaped strip within the domestic curtilage of Parkfield House Farm and the use of the outbuilding as a holiday let.

6. REPRESENTATIONS

6.1 Representations have been made by the occupants of Parkfields Byre. Initially the occupants of Parkfields Byre raised issue with a number of errors and inconsistencies with the application as submitted, which have since been clarified / addressed by the applicants' agent. In objecting, the occupants of the neighbouring barn conversion dwelling make the following comments, which are relevant insofar as consideration of the application in its revised form, which just concerns the incorporation of the landscaped strip within the domestic curtilage of Parkfield House Farm and the use of the outbuilding as a holiday let.

Incorporation of the crossovers formed over the landscaped strip within the domestic curtilage of Parkfield House Farm

- The neighbour does not consider that the landscaping at the front of Parkfield House Farm 'preserves and enhances' the local landscape. They consider that it is wholly alien to the surrounding countryside, making specific reference to range of non-indigenous plants, modern, rust effect corten steel planters and feature lighting.

Use of the outbuilding as a holiday let

- With regard to the use of the outbuilding as a holiday let the occupants of the neighbouring barn conversion dwelling advise that it has been a source of noise nuisance and privacy reduction since it began.

- The neighbours advise that on a number of occasions we have had holiday tenants parking outside our house (Parkfields Byre), asking for directions to the Stable and trespassing on land in the surrounding area including our own garden. They advise that there have been occasions when up to 10 cars have been parked.

7. ISSUES

7.1 The main issues to consider in respect of this particular application are:

a) The acceptability of the proposed holiday let use;
b) whether the incorporation of the landscaped strip between the two original access drives within the curtilage of Parkfield House Farm would preserve or enhance the local landscape / character and appearance of the surrounding countryside in this case, and;

c) whether there would be any adverse impacts on the immediate and wider environment, including the amenity / privacy of the occupants of the neighbouring barn conversion dwelling.

7.2 The Local Highway Authority are satisfied that the existing access (approved in 2006 to serve Parkfields Byre) is capable of serving the proposed development in addition to the existing dwellings, subject to a condition to ensure an appropriate level of visibility is maintained. Hardstanding in front of and parking within the existing garage will continue to serve the main dwellinghouse. A separate parking area in front of the modern agricultural storage building will serve the holiday let. Such provision is considered to be acceptable and would under normal circumstances not result in the need to park on the shared driveway or impede access to Parkfields Byre.

7.3 Although the neighbours initially raised concerns with regard to lack of information in relation to protected species, the nature and scale of the works is such that there would be unlikely to be any adverse impact on protected species habitat. It would not be proportionate to request that the applicant carry out a phase 1 habitat survey in this respect.

Acceptability of the proposed holiday let

7.4 Part 3 of the National Planning Policy Framework (NPPF) ‘Supporting a Prosperous Rural Economy’ states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and to promote a strong rural economy, local and neighbourhood plans should, amongst other things, promote the development and diversification of agricultural and other land-based rural businesses and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. The NPPF is also supportive of the re-use of buildings for residential purposes that would lead to an enhancement of their immediate setting. Adopted Derbyshire Dales Local Plan Policies SF4, H5 and EDT19 align with national guidance and are generally supportive of development that assists the growth of tourism and the adaptation any re-use of buildings for holiday let use. The use of the outbuilding, which has permission to be used as ancillary residential accommodation, as a two bedroomed holiday let is therefore considered to be acceptable in principle.

Whether the incorporation of the landscaped strip between the two original access drives within the curtilage of Parkfield House Farm would preserve or enhance the local landscape / character and appearance of the surrounding countryside in this case

7.5 Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) deals broadly with development in the countryside and supports development that provides for ‘other needs’ which can only be met in a rural area, where it is appropriate in nature and scale to the area, preserves / enhances the character and appearance of the countryside and minimises any adverse impact on the local environment. These provisions align with guidance contained within the National Planning Policy Framework (2012). Policy NBE8 ‘Landscape Character’ requires development to protect or enhance the character, appearance and local distinctiveness of the landscape. It aligns with paragraph 58 of the National Planning Policy Framework which advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. Policy H8 deals specifically with proposals to extend domestic curtilages.
into open countryside and is supportive of such development that preserves or enhances the character and appearance of the local landscape.

7.6 The application proposes to incorporate the landscaped strip between the two original access drives within the curtilage of Parkfield House Farm. The original access serving Parkfield House Farm has been consumed within an area of new hard and soft landscaping. Crossovers have been formed over the landscaped strip (see figure 3) and new planting contained by edging stones (which does not require planning permission) introduced. Although the occupants of the neighbouring barn conversion raise issue with the extent of landscaping works which have been carried out at the front of Parkfield House Farm, the application relates to the new area of landscaping and hardstanding areas which has been formed on this narrow strip of land only. The scale / amount of land involved, retention of a section of Beech hedge, nature of the hard and soft landscaping works to this area and ability to control any additional planting by condition is such that any adverse impact would be very limited / minimal and, in this respect, would preserve the character and appearance of the local landscape. It is considered therefore that the development satisfies the requirements of Adopted Derbyshire Dales Local Plan Policies SF4, NBE8 and H8.

Whether there would be any adverse impacts on the immediate and wider environment, including the amenity / privacy of the occupants of the neighbouring barn conversion dwelling

7.7 Although the occupants of the neighbouring barn conversion dwelling have raised issue with users of the holiday let parking outside of their property and asking for directions on occasions, such disturbance is not considered to result in significant adverse impact on their amenity that a recommendation of refusal can be sustained on this basis. It is considered that such use would have a minimal impact on the local environment (a requirement of Policy SF4). The proximity and siting of the accommodation relative to Parkfields Byre is such that there would be no significant loss of privacy or amenity.

Summary

7.8 In summary it is considered that the application in its amended form would satisfy the relevant provisions of the development plan and national guidance. A recommendation of approval is put forward on this basis subject to conditions, to prevent the outbuilding being separated from the ownership of the main dwelling, in the interests of preserving the amenity of its occupants and the removal of permitted development rights in relation to the landscaped strip.

8. RECOMMENDATION

8.1 Planning permission be granted subject to the following conditions:

1. ST02a: Time Limit On Full.

2. This permission relates solely to the application amended by the applicant's email dated and received by the Local Planning Authority on 30th June 2016 and does not authorise the use of the area of front pasture for occasional recreational use.

3. Within 3 months of the date of the decision, the existing access to Kniveton Lane shall be modified in accordance with the application drawings, laid out, constructed and provided with 2.4m x 25m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
4. The outbuilding, subject of this permission shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential dwelling or separated from the ownership or curtilage of the main dwelling known as Parkfield House Farm. No person shall occupy the holiday accommodation for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be reoccupied by the same person/s within 28 days following the end of that period.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the outbuilding to be used as a holiday let and no buildings, structures, areas of hardstanding, fences, gates, walls or other means of enclosure shall be erected or formed on the area of land to be included within the domestic curtilage of Parkfield House Farm (other than those authorised as part of this permission) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reasons:

1. Reason ST02a.

2. For the avoidance of doubt.

3. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2015) and guidance contained within the National Planning Policy Framework (2012).

4. For the avoidance of doubt and to safeguard the residential amenity of the occupants of Parkfield House Farm in accordance with the aims of Policies SF4, H5 and EDT19 of the Adopted Derbyshire Dales Local Plan (2015) and guidance contained within the National Planning Policy Framework (2012).

5. In the interests of preserving the buildings appearance and the character and appearance of the local landscape in accordance with the aims of Policies SF4, SF5, H5, H8 and EDT19 of the Adopted Derbyshire Dales Local Plan (2015) and guidance contained within the National Planning Policy Framework (2012).

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 resulted in revised proposals that overcame initial problems with the application relating to the use of the front area of pasture for occasional recreational purposes.

2. This Decision Notice relates to the following documents:

   1:1250 Scale Site Location Plan;
   1:500 Scale Block Plan;
   Supporting Planning Statement by Birchwood Planning and Development Consultants received by the District Council on the 11th January and 2nd February 2016, and;
   The email dated and received by the Local Planning Authority on 30th June 2016 from the applicant.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>15/00573/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Town End Farm, Clifton</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Erection Of 5 Dwellings</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Ms J Harrison</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Clifton and Compton</td>
</tr>
<tr>
<td>AGENT</td>
<td>Mr A R Yarwood and architect Mr S Gedye</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Councillor A Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>07.10.15</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Deferred from October 2015 committee meeting</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>Members visited the site in October 2015</td>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Impact upon character and appearance
3. Affordable housing
4. Highway safety
5. Impact on trees

**RECOMMENDATION**

Approval
15/00573/FUL

Town End Farm, Clifton

Derbyshire Dales DC

Date: 30/06/2016

100019785
INTRODUCTION

This matter is being brought back to committee after being deferred by Members in October 2015. The application was previously recommended for refusal on the grounds of design and appearance and lack of an appropriate affordable housing strategy. Further negotiations have taken place resulting in a differing scheme. The amended scheme has been through a further consultation process. The following report relates to the revised scheme which is now recommended for approval following a thorough assessment.

1. THE SITE AND SURROUNDINGS

The application concerns a 0.6 hectare parcel of land at Town End Farm at the southern end of Clifton village. The site is bordered by housing to the north and east, with the latter across Chapel Lane. To the south is the village cemetery and to the west is rising agricultural land and Clifton Cricket Club. Fencing, some hedges and trees enclose the site boundaries. Access is currently via a gated driveway leading to a yard area with brick and timber buildings. The majority of the site is covered in rough grassland. The application site includes a semi-detached dwelling fronting Chapel Lane. An open watercourse borders the gardens of dwellings to the east of the lane. The sites eastern boundary to the lane is a short steep bank with hedgerow; trees within this area are covered by a Tree Preservation Order.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to erect 5 dwellings on the site. The details of the scheme are as follows:
The main access to the site would be to the south east of plots 3 and 4 to the north of the existing protected trees.
Plot 1
The parking to this plot would be to the east of the dwelling with a detached garage. This is a large two storey dwelling with 4 bedrooms and internal double height spaces. The design of this dwelling has been altered and whilst still of a significant scale the design now reflects a more domestic building which is appropriate in this context. An external chimney is proposed along with some high level windows and roof lights. This plot would be located to the end of the cul-de-sac and forms an ‘L’ shape with large garden area.
The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.

Plot 2
This would face plot 5 with access and parking to the detached garage to the north of the dwelling. This is a large two storey detached dwelling with four bedrooms and has been amended to a more traditional form with gable running parallel to the highway. The dwelling has a lower one and half storey element to reduce the scale of the building. A porch element is proposed to the front and large glazed elements to the rear. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.

Plots 3 and 4
It is proposed that two semi-detached two storey dwellings would be located to the south of the existing outbuildings fronting onto Chapel Lane. Access to these dwellings would be to the side of each dwelling. The dwellings are of a simple and modest form in keeping with other developments along the street frontage. To the rear each dwelling would have a single storey lean to running along the length of the buildings. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls. It is also intended that there would be solar panels on the rear roof slope. These are 3 bedroom dwellings.

Plot 5
To the south of the access would be a detached dwelling which would front onto the cul-de-sac. Parking would be to the front of the dwelling and within the integral garage. The building has been altered to have a gable running parallel to the highway with a simple design to the front elevation with porch detail. This would be a three bedroom dwelling. The dwelling on this plot has been sited so as to avoid the protected trees along the eastern boundary.
The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.

2.2 A large area to the north west of the site is shown on the submitted plan to be vacant although it is indicated that this will be an area for future development.

2.3 The applicant has submitted a flood risk assessment which concludes that: Part of the site is within flood zone 1. Development will be restricted to this part of the site. The site is outside the influence of other identified external sources of flood risk. The development is classed as less vulnerable and therefore appropriate in accordance with National Planning Policy Technical guidance. A developer’s enquiry has been made to the water authority.
2.4 The applicant has submitted an extended phase 1 ecology survey report which concludes that:
Several buildings on site have potential for roosting bats.
The shelter due to be removed – low potential for bats
Mature sycamore trees to the north eastern boundary – low potential for bats
Bird boxes on the trees – low potential for bats
Bats may use the area to forage but no badger setts or evidence of activity
The hedgerow is suboptimal for dormice
Nesting and foraging birds may use the buildings and trees, hedgerows
Grass land is a moderate habitat for common reptiles
Grassland is suitable habitat for great crested newt, however given the distance to the pond, the barriers of the road and stream this species is unlikely to be present.

Therefore there is the potential for harm to a number of species.
Recommendations:
• For bats: -
  An endoscope investigation of the shelter
  Dusk and dawn transect should be undertaken around the site to record activity and species using the site.
  Further endoscope check of the bird boxes on the nearby trees
  Works should be carried out by a licensed bat worker.
• Badger:-
  If any evidence of badgers is noted a survey would be required
• Birds: -
  Any vegetation, tree, bird box or building removal should avoid the nesting season which runs from March to August inclusive or be subject to a prior check by an ecologist.
• Reptiles: -
  A reptile survey is required to be carried out between April and September
  If reptiles are present mitigation will be required, subject to the size of the population.

2.5 The applicant’s agent has submitted a design and access statement which makes the following key points:
• This is a resubmission of a previously refused scheme which seeks to address the reasons for refusal.
• Although the red line site area is the same the area taken up by the development has been reduced. This has two benefits; reducing the developed area and creating a clearer set of spaces, defining the fronts and rears of the houses more closely and forming clear building lines that respond more closely to the traditional pattern of development in Clifton.
• The council cannot demonstrate a 5 year housing supply and therefore policies H1, H4 and SF4 of the Adopted Derbyshire Dales Local Plan are out of date.
• The site is on the edge of the proposed settlement framework boundary, this is a sustainable location.
• The key design drivers are as follows: reducing the size of the development plot, work around the tree protection areas to ensure the mature trees are retained, the redesigned houses have clear fronts and backs following the traditional pattern of the village, the community houses face the lane continuing the pattern of development along the lane.
• The layout is more structured than the previous scheme reinforcing the enclosure of the external space and more compact than the previous design. The landscaping of the access and driveway would be more rural in quality, improving the character of the scheme.
Each house has been designed individually considering the tradition for steep pitched roofs. The elevations have been designed with symmetry and balance as a response to more traditional houses in the village.

The floor areas of the houses have been reduced from the previous scheme.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development In The Countryside
   SF5: Design And Appearance Of Development
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   H11: Affordable Housing Within The Settlements Frameworks Of Other Settlements
   H12: Alternative Provision For Affordable Housing Outside Of Settlement Frameworks
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE8: Landscape Character
   NBE24: Archaeological Sites And Heritage Features
   NBE26: Landscape Design In Association With New Development
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development

3.2 Other:
   National Planning Policy Framework
   National Planning Practice Guidance
   Court of Appeal decision - Secretary of State for Communities and Local Government v West Berkshire DC and Reading BC

3.3 Derbyshire Dales Local Plan Draft Plan:
   Policy S3: Settlement Hierarchy (Clifton is within the third tier)
   Policy HC4: Affordable Housing

4. RELEVANT PLANNING HISTORY:
   14/00138/FUL Erection of five dwellings - Refused due to being outside of a settlement, providing no affordable housing strategy and poor design, scale and layout.

5. CONSULTATION RESPONSES

Parish / Town Council
5.1 No objections.
   The ‘local housing needs survey’ that was carried out showed an overwhelming majority of those parishioners that responded were supportive of ‘low cost affordable housing’ for local young families.

5.2 Environment Agency
   No objections subject to conditions

5.3 Derbyshire County Council (Highways)
   No objections subject to conditions
   The amended plan now overcomes the issue I raised regarding how the parking spaces to one on the semi-detached dwellings are accessed. The remainder of the site is now also acceptable. Adequate emerging visibility splays are being achieved from both accesses and sufficient parking and turning is being made available within the site. Therefore, if your Authority is minded to permit the application, its recommended the conditions and footnotes are included in any consent in the interest of highway safety.
5.4 Conditions will be required to ensure sustainable drainage systems and appropriate ground investigations to support and inform the drainage system. No assessment has been made of the exceedance flood flow pathways to demonstrate the impact on the development during extreme rainfall. Clarification of the responsibility for the maintenance of the drainage system would be required. Detailed conditions are recommended.

5.5 The proposal site is some way outside the likely medieval core of Clifton, which lies around the church some 250m to the north-west. The place name 'Town End Farm' is a typical indicator of the extent of post medieval settlement spread along Chapel Lane, and it seems unlikely that any medieval or post-medieval settlement was located beyond the farm on the proposal site. Historic map evidence shows the proposal site within two larger fields during the 19th century: the ‘reverse-S’ curved boundaries of these fields (though not surviving in the landscape today) are indicative of a fossilised medieval strip system, which confirms that the proposal site lay outside the settlement limits and within the medieval open field.

There is consequently little or no potential for medieval or post-medieval archaeology on the proposal site, and because of its small size I advise that the background potential for earlier archaeology is very low. I therefore recommend that there is no need to place an archaeological requirement upon the applicant in this case.

5.6 The main ecological impact associated with the proposed development is the removal of a section of hedgerow and trees to facilitate the formation of the access. The removal of the hedgerow and farm building has potential to impact upon nesting birds. There is limited potential for the removal of the spoil/manure heap to impact on reptiles. Would advise that the LPA has sufficient information to reach an informed decision, Advise that sufficient hedgerow and tree planting is provided as part of the landscaping to ensure no net loss of hedgerow as a result of the development to be secured via condition. New planting should incorporate disease resistant elm to compensate for the loss of Elm through the hedgerow. Standard condition on bird breeding season.

6. REPRESENTATIONS RECEIVED

6.1 None

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

1. Principle of Development
2. Impact upon character and appearance
3. Affordable housing
4. Highway safety
5. Impact on trees
6. Drainage and flooding

Principle of Development

7.1 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Paragraph 49 of the National Planning Policy Framework the lack of housing supply means that the housing policies of the adopted Local Plan must be considered out of date. Therefore the determination of applications for new housing
developments must be considered in accordance with paragraph 14 of the National Planning Policy Framework.

7.2 Paragraph 14 states that Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

7.3 It is acknowledged that in order to meet the housing need some development is likely in the villages and on green field sites where such development can assist in the continued provision of local services and facilities. The preamble to the settlement hierarchy policy in the Draft Local Plan notes that twelve villages are identified as accessible settlements with limited facilities. These villages, which include Clifton, are the most sustainable villages in the rural areas which generally have a good local infrastructure, some local employment opportunities and good accessibility to the towns and larger centres. Such villages also serve the surrounding smaller villages and rural areas. The spatial strategy of the draft plan focuses the bulk of the rural development in these settlements and seeks to ensure they are sustained and promoted as service centres. The scale of new development in any of these villages will generally be relative to their current size and infrastructure.

7.4 Policy S3 of the Draft Local Plan identifies Clifton as a third tier settlement, such villages possess a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the first and second tier settlements for greater self-containment.

7.5 Therefore in principle development in villages such as Clifton where there are some services and facilities and close proximity to Ashbourne is likely to be acceptable in principle as development in a sustainable location. Sustainable development is promoted through the NPPF including paragraph 14 with a presumption in favour of development. However, there are three roles to sustainability which need to be considered, not only the location of development.

Character and Appearance

7.6 The prevailing character of Chapel Lane is of rows of smaller properties of cottage type design with gable detailing in close proximity to the street frontage units 3 and 4 are in accordance with this prevailing character. There are larger houses also dotted along Chapel Lane generally more set back from the highway. These larger houses generally have gabled roofs of rectangular form and are often of more modern design, units 1, 2 and 5 now follow this prevailing character. The majority of housing whether large or small fronts onto Chapel Lane, the dwellings immediately opposite the site are at odds with this being side onto the road, but following the general appearance of dwellings within the locality. The revised scheme is now considered to be in accordance with the prevailing pattern of development in this location.

Affordable Housing

7.7 Policy HC4 of the Draft Local Plan requires that on such development sites at least 30% of all dwellings will be affordable and provided on site. However, the recent court of appeal decision has upheld the imposition of the Secretary of State of a minimum size of housing sites on which affordable housing can be sought. This limit is now incorporated as guidance in paragraph 031 of National Planning Practice Guidance, which advises that developer contributions cannot be sought for developments of less than 10 units. Therefore in this case as the development relates to 5 units a developer contribution
cannot be sought at this moment in time in the absence of an up to date local plan policy which has been scrutinised in the local plan examination. The development of the remaining area of the site is likely to lead to a development of less than 10 units and therefore there is no need for a legal agreement to ensure affordable housing provision across the wider application site. Whilst the provision of affordable housing would be welcomed in this instance at this moment in time this would require the developer to offer up such provision unilaterally.

Highways
7.8 The Highway Authority required an amended plan showing the visibility splay being set 2.4m back from the carriageway edge and to a point 18m from the access and revised parking to plots 3 and 4 along with other standard conditions. A revised plan has now been submitted which satisfies the highway requirements in this regard. This should ensure that the protected trees should not be adversely affected by the proposal whilst ensuring the best visibility. The proposal subject to conditions meets the requirements of Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Trees
7.9 Subject to conditions regarding tree protection the development should not have any harmful impact upon the protected trees. The proposal therefore meets the requirements of Policy NBE6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Ecology
7.10 A survey has been submitted as part of the application details. This has been assessed by Derbyshire Wildlife Trust who have no objections subject to detailed conditions. Subject to these conditions the proposal is considered to be acceptable in terms of the impacts upon ecology in accordance with Policy NBE5 of the Adopted Local Plan and guidance contained within the NPPF.

Drainage
7.11 In terms of the drainage of the site, the Derbyshire Flood Team have considered this and would require conditions be imposed should permission be granted to ensure appropriate drainage management and maintenance of the site in the long term. Subject to conditions the proposal is considered to be acceptable in terms of drainage.

Flooding
7.12 In line with the detail of the submitted Flood Risk Assessment, as the site is 1.5m above the level of the nearby watercourse the Environment Agency have no objection to the proposal on the grounds of flooding.

Conclusion
7.13 Paragraph 14 requires the decision maker in assessing the merits of than application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

7.14 The golden thread running through the Framework is for development to be sustainable. As noted above there are three elements to sustainability, the economic, social and environmental roles. In terms of these roles the proposed development is considered as follows:

7.15 In terms of the economic role, this would be fulfilled in that the development itself would generate employment during construction and when occupied the additional housing would support existing businesses in the area.
7.16 In terms of the social role of sustainability would be met by the provision of housing to meet the needs of the District.

7.17 The environmental role of sustainability will be met as this is now considered to be a scheme appropriate to the character and appearance of the area, which will ensure the protected trees are not harmed, that safe access can be gained and that ecological impacts will be appropriately mitigated against.

7.18 This application was previously recommended for refusal but Members deferred making a decision in order that Officers could negotiate over the design and appearance and agree an appropriate mechanism for the delivery of affordable housing. Since that deferral in October, government guidance on affordable housing not being applicable for sites under 10 dwellings has been reinstated through the courts. Therefore this requirement of the committee resolution has been set aside. The design has been improved significantly to the point where Officers consider it readily assimilates with the context. In light of the above and having regard to the content of paragraph 14 of the NPPF it is no longer considered that the harm caused by the development significantly and demonstrably outweighs the benefits. As such it is recommended that planning permission is granted.

**8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. Condition ST02a: Time limit on full

2. Condition ST06: Amended application revised plan (remove the word solely) received: 7.06.16 and numbered: DWG 02 Rev A, HT 05 DWG 03 Rev C, HT 05 DWG 02 Rev C, HT 05 DWG 01 Rev C, HT 03 and 04 DWG 02 Rev C, HT 03 and 04 DWG 01 Rev C, HT 02 DWG 03 Rev D, HT 02 DWG 02 Rev D, HT 02 DWG 01 Rev D, HT 01 DWG 05 Rev C, HT 01 DWG 04 Rev C, HT 01 DWG 03 Rev C, HT 01 DWG 02 Rev C, G 01 DWG 01 Rev A, master DWG 01 Rev G, Master DWG 02 Rev B.

3. Condition PD9: Permitted development - no extensions to front elevations (delete ‘or alterations to the front elevations and wording in brackets) (plot no. 5)

4. Prior to the commencement of development a detailed method statement shall be submitted in writing to the Local Planning Authority with details of the method of excavation within root protection area of the protected tree shown as T3 in order to provide the visibility splay as defined on plan no. Master DWG 01Rev G, all to be agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

5. Condition LA12: Approval of landscaping scheme before commencement of development: (Delete/modify: d, after e – add to include the planting of disease resistant Elm to replace the loss on site, f, h – add at the beginning notwithstanding the submitted details, m add to end– including how these will impact upon the protected trees along the eastern border, n)

6. Condition LA17: Protection of TPO trees

7. No removal of hedgerows, trees or shrubs or demolition of structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of the vegetation and the structure for active birds’ nests immediately before the vegetation and structure are cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
8. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

9. 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.

10. Condition IC19: Restrict operating hours (0800 to 1800, no working on Sundays or bank holidays.

11. Condition DM1: All materials approved – general

12. Condition DM26: Window/door frames – details required

13. Condition DM25: Inset required (80mm)

14. Condition DM24a: Design detail – eaves and verges (add on unless otherwise agreed in writing by the Local Planning Authority)

15. Prior to the commencement of development details of the chimneys to the proposed dwellings shall be submitted to and agreed in writing by the Local Planning Authority, works shall be completed in accordance with the agreed details.

16. Condition LA13a: Landscaping to be carried out and maintained.

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

18. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 17 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

20. No dwellings shall be occupied until the new vehicular accesses have been formed to Chapel Lane in accordance with the revised application drawing No Master/DWG0114123 Rev G, 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 18 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.

21. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No Master/DWG0114123 Rev G received 29.06.16 for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

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

Reasons:

1. Reason ST02a
2. For clarification
3. To ensure control over any future extensions to plot 5 in order to protect the tree specified as T3 on the approved plans in accordance with Policy NBE6 of the Adopted Local plan and guidance contained within the National Planning Policy Framework.
4. To minimise any harm to the protected trees in accordance with policy NBE6 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.
5. Reason LA12: add on... and to mitigate against the loss of existing planting through the development of the site in accordance with policies NBE4 and NBE26 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.
6. Reason LA17: in accordance with policy NBE6 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.
7. In order to protect nesting birds in accordance with policy NBE5 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.
8. 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.
9. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: -
   1. into the ground (infiltration);
   2. to a surface water body;
   3. to a surface water sewer, highway drain, or another drainage system;
   4. to a combined sewer
10. Reason IC19: in accordance with … guidance contained within the National Planning Policy Framework.
11. Reason DM1: policies SF5 and H9 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

12-15. To ensure an appropriate finished form of development in accordance with policies SF5 and H9 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

16. Reason LA13a: In accordance with policy NBE26 and guidance contained within the National Planning Policy Framework.

17-22. In the interests of highway safety in accordance with policies TR1 and TR8 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

9. **NOTES TO APPLICANT:**

9.1 The Local Planning Authority during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to design, layout and the provision of affordable housing.

9.2 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.

9.3 This decision notice relates to the following documents:

Plans numbered: DWG 02 Rev A, HT 05 DWG 03 Rev C, HT 05 DWG 02 Rev C, HT 05 DWG 01 Rev C, HT 03 and 04 DWG 02 Rev C, HT 03 and 04 DWG 01 Rev C, HT 02 DWG 03 Rev D, HT 02 DWG 02 Rev D, HT 02 DWG 01 Rev D, HT 01 DWG 05 Rev C, HT 01 DWG 04 Rev C, HT 01 DWG 03 Rev C, HT 01 DWG 02 Rev C, G 01 DWG 01 Rev A received 07.06.16 and Master DWG 01 Rev G, Master DWG 02 Rev B received 24.06.16, Location Plan HT 05 DWG 03 received 06.08.16, Design and Access Statement received 06.08.16, Extended Phase 1 survey report received 06.08.16,

9.4 Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

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

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

9.8 The application proposals are affected by a Section 188 (159) line. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line. The applicant is advised to write to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least 6 weeks before commencing works requesting that the line be removed and confirming that they will meet the Authority's administrative / legal costs if the removal is approved. For further advice, please contact Mr G Hill, Principle Engineer, Development Control (tel: 01629 538647).
### APPLICATION NUMBER

16/00129/FUL

### SITE ADDRESS:

Red Lion Hotel, Market Place, Wirksworth

### DESCRIPTION OF DEVELOPMENT

Change Of Use And Conversion From Hotel To Hose In Multiple Occupation Incorporating 6 Flats (Use Class C4) And 2 Commercial Units Under Flexible Uses (Use Classes A1, A2, A3, A4 And D2)

### CASE OFFICER

H Frith

### APPLICANT

Mr Peter Booth

### PARISH/TOWN

Wirksworth

### AGENT

Mr Andrew Murphy

### WARD MEMBER(S)

Councillor P Slack
Councillor M Ratcliffe
Councillor I Ratcliffe

### DETERMINATION TARGET

13<sup>th</sup> May 2016

### REASON FOR DETERMINATION BY COMMITTEE

Number of letters of representation

### REASON FOR SITE VISIT (IF APPLICABLE)

No site visit

### MATERIAL PLANNING ISSUES

The impact of the development in terms of the character and appearance of the Grade II* listed building and the loss of the use of the premises as a valued local facility.

### RECOMMENDATION

Refusal
16/00129/FUL

Red Lion Hotel, Market Place, Wirksworth

Derbyshire Dales DC

Date: 30/06/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site is centrally located within the Town Centre. The application relates to the Grade II* listed Red Lion Hotel which has a public house on the ground floor with letting hotel bedrooms and function room on the first floor with further letting hotel bedrooms above. The building dates from the mid-18th century is of painted brick, it is 3 storeys in height and of to the assembly room there is a central Venetian window of 3 lights with a semi-circular tripartite window above. An earlier building of coursed stone rubble with massive buttressed chimney-stack is embodied in the rear. This building forms a group of listed buildings at this far end of Colwell Street close to the central Market Place. The site is also within the Wirksworth Conservation Area and is one of, if not the, most prominent building within the Market Place.

2. DETAILS OF THE APPLICATION

2.1 Full planning permission is sought to change the use of the ground floor areas of the building to flexible uses incorporating Use Classes A1 (Retail), A2 (Financial and Professional), A3 (Café and Restaurant), A4 (Pubs and Bars) and D2 (Assembly and Leisure). The only physical works involved in this is the removal of the bar. A change of use is also proposed on the first and second floors from hotel bedrooms and function/assembly room to house in multiple occupation (Use Class C4). The changes to the first floor will involve the removal of the bar area in the function room and the introduction of a kitchen into the function room partially within the area of the existing bar/servery but located away from existing features, a bathroom would be formed within he store area, partition walls would be removed from Flat 4 (Room 8), a further kitchen would be created in the existing office room at the end of the first floor corridor close to the external door onto the raised rear patio area. The physical changes to achieve this on the second floor are minimal but will involve a kitchen in the existing linen store (Room 4). The existing managers flat will remain as a self-contained flat. The only external change to the building is the removal of the smoking shelter and replacement with a bin area/store.

2.2 The applicant’s agent has submitted details to support the proposed development, the key points of these documents are summarised:
Planning statement:
• 11 parking spaces will be provided for the accommodation.
• A policy analysis is given of national, local and neighbourhood plan policies
• Marketing of the property has been carried out as follows:
  – for sale during 2014 and early 2015, poor response. Marketed by different agent from March 2015 on an ‘offers sought’ basis, internet advertising and targeted mailshots to businesses within 50 miles of the site. Marketing was adapted to include disposal of
the business on a leasehold basis. Through March to November 2015 there were 519 views of the property but only 122 responses and no actual potential buyers looking at the premises.

- No local community groups showed any interest
- The premises are still being marketed and any reasonable offers will be considered.
- This concludes that the property is unlikely to continue in use as a hotel and pub.
- The flexible uses will ensure there is potential to retain a function room on the ground floor.
- There are other Public Houses in Wirksworth
- The premises were de-listed as an asset of community value by DDDC
- The flats will be starter homes and will add to the housing demand
- The function room cannot operate as an independent business
- Functions are likely to cause noise disturbance to the proposed flats
- The only physical impact on the building is:
  - The removal of the smoking shelter
  - Removal of modern partition wall (Room 8)
  - Removal of modern partition wall (toilet adjacent function room)
  - These are small scale changes and will have minimal impact.
- In regard to paragraph 70 of the NPPF, there are other facilities available that are easily accessible
- The closure of the Red Lion will not result in the loss of the last Pub in the town nor significantly reduce the community's ability to meet its day to day needs, the building is not an asset of community value.

A further addendum to the statement has been submitted, the key points of which are summarised:

- Confirmation that the building does not require alterations to meet fire regulations and building control legislation as the rooms already meet the required standard.
- There is no reason why the development cannot meet the requirements of legislation in relation to houses in multiple occupation.
- The statement in regard to heritage has provided photographs of the partition walls, the relocation of the original position of the kitchen in the function room, confirmation that water and gas supplies exist for the kitchens to the first and second floors, the use of ‘saniflow’ water systems is also proposed.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF1: Development Within Settlement Framework Boundaries
- SF5: Design And Appearance Of Development
- H1: New Housing Development Within Settlement Framework Boundaries
- H10: Affordable Housing Within The Settlement Framework Of Market Towns
- EDT4: Other Existing Land And Business Premises
- NBE17: Alterations And Extensions To A Listed Building
- NBE18: Conversion And Changes Of Use Of A Listed Building
- NBE21: Development Affecting A Conservation Area
- NBE24: Archaeological Sites And Heritage Features
- S12: Important Local Services And Facilities
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

3.2 Other:
- National Planning Policy Framework
- National Planning Practice Guidance
Wirksworth Conservation Area Appraisal
Historic Environment Good Practice Advice in planning (Historic England)
Wirksworth Neighbourhood Plan:
  NP4: Size Of New Home And Space Standards
  NP5: Principal Residence Homes
  NP7: Energy-Saving Standards For New Dwellings
  NP11 Loss Of Existing Facilities And Open Spaces.
  NP17: Upgrading Existing Buildings

4. RELEVANT PLANNING HISTORY
15/00430/FUL Conversion of public house and erection of buildings to form 25 flats and 2 retail units – Withdrawn
14/00394/FUL Installation of pizza oven flue (retrospective) – Permitted with conditions
13/00653/LBALT Installation of secondary glazing, pizza oven and internal flue pipe – Granted with conditions
13/00652/FUL – Extension to beer garden and replacement parking provision – Permitted with conditions
Numerous other applications relating to alterations to the building and signage.

5. CONSULTATION RESPONSES

Town Council

5.1 No comments received

Historic England

5.2 First response –
This is a listed building of more than special architectural and historic interest in a national context. The hotel is a prominent and imposing landmark. It is of significance within the Conservation Area and has particular historic and communal value as the town’s former assembly room. The building lies within the medieval core of Wirksworth and there is an earlier building of coursed stone rubble with large buttressed chimney embodied in the rear. The archaeological potential of the site remains significant.
Support the need to find and secure suitable uses which are compatible with the heritage significance of the building and conservation area. The application is lacking in detail and barely considers the heritage value of the building and its presence within the conservation area. Existing partitions are to be reused but we do not know whether the existing subdivision is in keeping with the special interest of the building. Therefore we cannot advise if the works are compatible with the buildings significance and sustainable in revealing and enhancing this significance. The proposal will require upgrading of fire regulations and building control legislation and no details of this have been submitted. The insertion of a kitchen into the assembly room could be particularly harmful to the character and appearance of this space. The detail should not be subject to condition, further information and a statement of significance is required to be submitted.
Recommendation:
There is a need to secure uses to sustain the Red Lion Hotel and to benefit the overall economic vitality of Wirksworth, based on the limited information submitted in accordance with paragraph 128 of the NPPF cannot support this application.

5.3 Further information was submitted by the applicant’s agent and the following response was received from Historic England.

Second response:
The additional information does not consider in detail the significance of the heritage asset, your authority needs to assess this information as to whether it meets the requirements of paragraphs 128, 129 and 130 of the NPPF. The removal of the smoking
shed is an enhancement but the replacement timber bin shed is not an improvement and will appear somewhat incongruous within the setting of this highly graded heritage asset.

The internal alterations to modern partition are noted and that the change of use will not require works to the fabric to comply with legislation and the altered siting of the kitchen in flat 1.

Although the physical works to the historic fabric are limited, the change of use in particular to the first floor principle room to domestic accommodation with impact upon the special architectural and historic character and appearance. It will diminish the historic significance of the hotel and its use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. It is difficult to see how this will reveal and enhance significance in line with the NPPF. Attention is drawn again to paragraphs 128 to 137 of the NPPF.

Recommendation:
Despite limited information the proposal will result in a degree of harm to the significance of the designated heritage asset. It is for your authority to consider whether there is clear and convincing justification for the harm caused and to balance and weigh the public benefit against this harm.

5.4 Local Highway Authority
This application is now proposing significantly fewer residential units than the previous application and 2 relatively small retail units. Whilst the proposed flexible use of the retail units will vary the traffic generation associated with them depending on occupation, the proposals are still unlikely to generate additional traffic compared with the public house use.

Internally, 11 car parking spaces are being offered which the Highway Authority considers an acceptable level for the proposed use. It is envisaged the majority of customers visiting the retail units will either walk to the site or park in nearby car parks or on-street where it is safe to do so. There is, however, adequate space within the site to enable small delivery vehicles to enter the site, turn and exit in a forward gear. It is not envisaged any deliveries by HGV’s will be required based on the size of the proposed units.

Therefore, the Highway Authority has no objection to the application proposals subject to conditions.

5.5 Crime Prevention Design Advisor
Proposal does not meet current referral criteria and can be determined without further comment

5.6 Natural England
No comments to make on this application

5.7 Environment Agency
No objection, satisfied that the risk of pollution is low

5.8 Environmental Health DDDC
First comments received
Concern regarding the lack of information for the various uses, difficult to make meaningful comments on such a broad spectrum of possibilities, therefore detailed information should be supplied. The living accommodation being applied for is likely to be licensable and will require certain standard of noise insulation between flats and floors. Fire protection is also likely to be required and possibly change to interior structures and escapes.
Second comments received as follows:
The use classes on the ground floor appear wide and varied and there is the possibility of issues around noise and odour from some of the uses specified, particularly to the occupants of the proposed flats. I am unable to make provision in all eventualities so would recommend the worst case scenario be considered. On this basis I would recommend a pre-commencement condition to consider at noise and odour. I would request a noise assessment be made for potential noisy uses as per the use classes applied for. This should include looking at the standard of insulation in the building and consider both residents of the building and those in nearby proximity of the building. In addition, should a food use be proposed then details of odour control measure should be submitted based on worst case scenario. The arrangement of the living accommodation on the two upper floors, would most likely give rise to the establishment being a licensable HMO. In addition, in dividing the building into flats for permanent occupation I would recommend that noise insulation testing is undertaken to ensure the insulation between flats is adequate for purpose and would recommend using the building regulations standard test method.

5.9 Building Control DDDC
Verbal response only - The proposal is likely, subject to submission, to be able to meet the building regulations criteria for the proposed use.

5.10 Development Control Archaeologist
The conversion involves little or no archaeological impact and I therefore advise that the application be determined with the guidance of the Local Planning Authority's Conservation Officer and Historic England.

5.11 Design and Conservation Officer (Derbyshire Dales)
The building is a grade II* listed building within the Wirksworth Conservation Area.

The proposed works all appear to be internal works to convert the building to 7 flats and 2 retail units.

The existing ‘serverys’ to the Lounge Bar & Bar are to be removed. It is doubtful if these fittings have any heritage merit or interest, however, this should be checked to ensure they are not of heritage value. The ‘pizza’ oven is to be removed (this is a relatively modern insertion). It is assumed that its associated flue will also be removed and the roof made good.

On the first floor the large function room is to be one flat. The existing bar servery is to be removed. It is doubtful if this fitting has any heritage merit or interest, however, this should be checked to ensure it has no heritage value. A kitchen area is to be formed to one corner of this large space. The drawing indicates a base unit (with sink) partially located on the projecting chimneybreast. The chimneybreast has a fine Hopton Wood fireplace and in the alcove where the kitchen area is proposed is a recessed cupboard with architrave and double panelled doors. These are believed to be original/historic features of this room and should be retained in-situ. The positioning of a base unit/sink adjacent to/on the chimneybreast is considered to be wholly inappropriate and harmful to the character and appearance of this fine 18th century space. Some alterations to partitions to the area outside the large room (and within proposed Flat 4) are proposed – are these historic/original partitions or modern insertions. If the former they should be retained in-situ.

The existing plan-form/layout of the second floor is to remain as it is.

There is no further detail about any proposed repair or refurbishment works to the interior spaces. As part of such a conversion (apart from internal painting/carpeting etc) it is
assumed that further works will be required to achieve a ‘specification’ for lettable flats (this may require re-servicing works – water, electric, gas etc. and the provision of ventilation etc. etc.) It is probable that such works would require Listed Building Consent. An assurance from the agent should be sought to confirm this in writing.

The existing smoking shelter is to be removed and replaced by a “light-weight bin store”. There are no details of this proposed structure or its exact location.

6. REPRESENTATIONS RECEIVED

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

6.2 Listed building

The proposal will result in substantial damage to the nationally important architecture and appearance of this grade II* listed building, one of the most important buildings in Wirksworth
Negative impact on the architectural character, history and appearance of the conservation area.
Not enough detail to know this will not damage the interior of the building.
How would the ground floor be altered to accommodate the flexible uses.
Support the objection from Historic England

6.3 Traffic

There will be an increase in traffic at a hazardous location, the access is narrow and on a bend in the road.
Limited visibility from the access
Traffic flow is regularly held up as a result of vehicles manoeuvring in and out of these junctions.
Additional traffic will be a danger to vehicles and pedestrians
As owner of the land to the rear of the Red Lion I object as the parking spaces would block our right of way across the site, this should remain open.

6.4 Use

The case that the Red Lion is not viable does not stack up, there are similar businesses in the Peak District which are financially successful as they target visitors, the Rising Sun at Middleton is an example.
There is no need for the two retail units on the ground floor.
The Red Lion should not have been de-listed as an asset of community value. The assembly rooms and snug are an important local facility so Policy S12 should apply.
The planning case is fundamentally flawed, who is the accommodation for?
The function room is a community asset used for a variety of events and another function room is not available within the town.
The function room will be much missed by residents as it has a longstanding history in the town for gatherings.
The proposal fails to understand the meaning of the policies in the Neighbourhood Plan which aimed to secure the future of the building as a Coaching Inn.
The function room is enjoyed for dance lessons, Burns night and private parties it would be missed.
Object to the description of development as misleading.
The supporting documents state that there is an identified ned for small scale social housing in Wirksworth, where is the evidence for this? Refer to Neighbourhood Plan Policy

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7. **OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

1. Principle of development
2. Loss of public house and assembly/function room as valued local facility
3. Impact upon character and appearance of the listed building
4. Impacts upon amenity
5. Highway safety

**Principle of Development**

7.1 The site is within a town centre location within a settlement framework where change of use to residential is generally acceptable in principle in accordance with Policies SF1 and H1 of the Adopted Derbyshire Dales Local Plan. The loss of the use of the premises requires further consideration as does the impact of the development upon the character and appearance of the listed building.

**Loss of public house and assembly/function room as valued local facility**

7.2 Concern has been raised by local residents that the loss of the use of the building as a public house with the associated assembly room and letting rooms above is the loss of an important local facility which should be retained. Furthermore the change of use of the premises would result in the loss of the original use of the building and as a coaching inn which will have an impact upon the significance of this grade II* listed building.

7.3 The Wirksworth Neighbourhood Plan in Policy NP11 and the Adopted Derbyshire Dales Local Plan in Policy S12 along with guidance contained within the National Planning Policy Guidance seeks to retain uses that are an important service or facility valued by the local community.

7.4 Policy S12 of the Adopted Derbyshire Dales Local Plan ‘Important Local Services and Facilities’ states that planning permission for development which would result in the loss of a local shop or other important local facility or service will not be granted unless there are adequate alternative facilities in the locality, or it can be demonstrated that the existing use is no longer financially or commercially viable and there are no other viable means of maintaining the existing use. The preamble to Policy S12 advises that proposals that would result in the loss of important local services and facilities including shops, and public houses will not be granted planning permission until all possible options have been explored to maintain the existing use. It goes on to state that as part of their submissions for planning permission applicants will be required to demonstrate the extent to which they have marketed the business as a going concern, and the viability of the options that they have considered. The loss of an important local facility, especially where it is the sole operation, will be the last option. This aim is reiterated in Policy NP11 of the Wirksworth Neighbourhood Plan which seeks to retain valued local facilities.

7.5 This approach aligns with guidance contained at Paragraph 70 of the NPPF which advises that Local Planning Authorities (LPAs) should “guard against unnecessary loss of valued facilities where they would reduce the community’s ability to meet its day-to-day needs” and should “ensure that established shops, facilities and services are retained for the benefit of the community”. Paragraph 28 calls on LPAs to promote the retention and development of local services and community facilities in villages and makes particular reference to public houses.
CAMRA (Campaign for Real Ale) have devised a series of questions, which are useful in establishing whether the continued use of a pub business is viable. This ‘public house viability test’ looks at local trade, customer potential, competition, flexibility of the site, parking, public transport, multiple use, partial loss, competition case studies, the business past and present and the sale.

The questions raised in the CAMRA guidance are addressed below:
In this case the property is in a central and prominent location in the town which is an ideal location for such trade with a daytime working population for trade and an evening economy. Being in the centre of the town is also ideal for customer potential with a tourism economy to a historic Market town and local custom. There are other pubs in the town but none of these have the additional facilities of the assembly room and letting bedrooms as a hotel serving the community it is unique. The flexibility of this site to expand is limited given the heritage status of the building; however it is large building and therefore offers potential. There is parking available at the site which is also served by public transport. There is some potential for combined uses at the ground floor of the site given that the smaller bar area is relatively detached from the other parts of the building and could therefore be out to another appropriate use. The application put forward would attempt to retain the pub use by having a variety of potential uses on the ground floor one of which would be as a pub or bar. However once the use was lost there is no guarantee that this would be brought back into use if a successful shop or other use commenced. There has been no competition case study in this case, given the unique qualities of the property it would be difficult to draw similarities with other properties in the locality. It is not clear from the submitted information why the public house is perceived to be failing and no information has been submitted to demonstrate that it is failing and that proposal have been implemented to improve the business operation. Whilst the property has been offered for sale since 2014 it is not clear whether this is for a continuous period of time. It is noted that there were poor responses to the initial marketing but no information as to what those responses were.

It is noted that the premises were marketed again from March 2015, this infers that there was a period of time when the marketing ceased. The marketing was on an ‘offers sought’ basis. Whilst this means that the price was not aimed too high it does introduce uncertainty and possibly a reluctance to make an approach. It should be noted that information found online notes that the property was originally marketed in the region of £665,000 to £700,000 and that the property is not obviously for sale on-line at the present time despite the assertions of the applicant’s agent that it remains for sale. In May 2015 leasehold was offered but no price is given. From the 18th March to the 25th November the property was viewed 519 times (it is assumed on-line) with only 12 responses where further information was sought. According to the sales agent the property has a very low response to view percentage rate and it is further noted that the poor market response may be due to the high level of competition of other outlets in Wirksworth which is at saturation.

Taking all of these matters into account and noting that the potential to continue the public house use would potentially continued through the flexible uses, given the unique offer provided by The Red Lion as a hotel and associated function in a prime position within the centre of the town it is considered that insufficient information has been submitted to convince the LPA that a change of use of the premises is the only option for the future of the property. It is not considered that all possible options have been explored to maintain the existing use in this case. A significant factor to consider is the loss of the original use of the building which will have an impact upon the significance of this heritage asset. The proposal is therefore considered contrary to policy S12 of the Adopted Local Plan, policy NP11 of the Wirksworth Neighbourhood Plan and guidance contained within the NPPF.
Impact upon character and appearance of the listed building

7.10 The building as a Grade II* listed building is of more than special architectural and historic interest in a national context and therefore any alterations or changes to such a building requires careful consideration. The buildings layout reflects its historic and most appropriate use.

7.11 In terms of the Listed Building, the primary legislation is set out in the planning (Listed Buildings and Conservation) Act 1990. Section 66 of the Act states:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

(2) Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

7.12 Therefore when considering development which may have an impact upon the special character and appearance of a listed building the NPPF advises as noted above that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification……..Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……..Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.13 The Historic Environment Good Practice Guide by Historic England gives advice on assessing the significance of a listed building and the impact of development upon that significance. The significance of the heritage asset in this case is in part determined by its status as a grade II* listed building which is as noted by Historic England a building or more than special architectural and historic interest in a national context. Therefore in accordance with paragraph 132 of the NPPF given the significant importance of this heritage asset it deserves the greatest level of protection.

7.14 In this case the property as a whole retains it original use as a hotel and public house with letting bedrooms and an assembly room which in itself is important to the town in cultural and historic terms. The use of the building overall is part of its significance as a Coaching Inn dating back to the mid-18th century and remarkably unchanged in that time. Therefore the continued use of the building in accordance with its intended use is an intrinsic part of its history. As such the proposed use of the building as a whole will have an adverse impact upon the significance and appreciated of the asset and therefore should only be considered if this is the only way to ensure the longevity of the building. In this case it is not considered that the changes of use proposed are the only options for this property, the LPA remains unconvinced that the use of the property in such a prime location offering a unique facility cannot continue in its existing use as a hotel and public house with assembly room.
The assembly room is still appreciated as a function room and retains its grandeur as such. The introduction of a kitchen and living accommodation within this space will impact upon the special architectural and historic character and appearance of the grade II* listed building. It will diminish the historic significance of the hotel and its use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel.

It is therefore clear that the change of use of the premises will lead to harm to the special character of the listed building without any public benefit. In this case there is a public dis-benefit through the loss of the premises as a valued community facility. The harm to the significance of the heritage asset in this case is considered to be less than substantial harm as the fabric of the building will not be harmed through the change of use or the proposed works. The proposal therefore fails to meet the requirements of paragraphs 132 and 134 of the NPPF and Policy NBE18 of the Adopted local Plan which remains broadly in line with the NPPG as it seeks to retain appropriate uses for listed buildings unless no longer viable.

**Impacts upon Amenity**

Concern was initially raised that the submission did not include sufficient information to allow the impacts of the proposal to be determined in terms of the flexible commercial units and including whether any additional works to ensure compliance with building and fire regulations. Since then the applicants agent has advised that the building as it is, will comply with the building and fire regulations and that therefore no works other than those included in the application will be required. It should be noted that there is a separate application for Listed Building Consent for the internal works and any future works would also require listed building consent. The concerns from Environmental Heath in terms of the impact of the various ground floor uses upon the proposed flats above have not been resolved and Environmental Health have requested a detailed condition to assess the worst case scenario of each potential use prior to them coming into use. However such assessment may introduce a need for additional insulation within the building which may impact upon the special character and appearance of the building and may need to be assessed through an application for listed building consent. This leaves too many unknown issues in regard to the impacts of the use between the ground and first floor uses and between the flats to be created, due to the sensitivity of the building these matters would need to be fully resolved prior to the determinations of the application.

It is therefore considered that the applicant has failed to demonstrate that the proposed uses will not cause adverse impacts upon amenity of the occupiers of the proposed flats and that any mitigation measures will not adversely impact upon the special character and appearance of this listed building. The proposal is therefore contrary to guidance within the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings as a core principle.

**Highway safety**

Concern has been raised by local residents regarding the impact that additional traffic will have on the access to the property and highway and pedestrian safety. The Local Highway Authority has considered the scheme and has concluded that the proposed uses are unlikely to generate additional traffic compared with the Public House permitted use. The parking spaces proposed are adequate and the commercial units in the ground floor will be largely accessed on foot or by customers parking in the town. On this basis there is no highway objection to the proposal and the scheme is considered to be acceptable in terms of highway safety.
7.20 An objection has been raised on the grounds that the parking spaces will block a right of way. Whilst this is a civil matter between the applicant and the objector it is possible that this may impact upon the location of the parking to the rear of the site. However, there is other land available for parking and it is likely that should the layout need to be altered due to this right of way that sufficient parking would still be available for the proposed uses.

Conclusion

7.21 The primary legislation as set out in the planning (Listed Buildings and Conservation) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case with development relating to a grade II* listed building of the high national importance, in accordance with paragraph 132 of the NPPF such important buildings deserve the highest level of protection and conservation.

7.22 The proposed change of use of the building will lead to the loss of the original use of the building and the appreciation and significance of the heritage asset without public benefit to outweigh the harm. In this case there is also public harm derived from the change of use due to the loss of a valued local facility. In this respect the proposal fails to meet the requirements of legislation and guidance set out in paragraphs 132 and 134 of the NPPF. Furthermore the applicant has failed to demonstrate that the change of use will not have any adverse impacts upon amenity which will not require further mitigation works which may also lead to further harm to the fabric of the building. This element is contrary to the core principles of the NPPF. Due to the loss of the original use without sufficient justification, the loss of the original use of the listed building which will harm the significance of the heritage asset without benefits which outweigh this harm and the failure to demonstrate that the change of use will not adversely impact upon amenity the proposal is recommended for refusal. The alleged benefit of providing additional smaller homes in this case is not a benefit that would in any way outweigh the harm in this case.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons.

1. The proposed change of use, in particular to the assembly/function room introducing living accommodation and associated installation of a domestic kitchen into this space, will impact upon the special architectural and historic character and appearance of the building. Such a change of use will diminish the significance of the heritage asset which is partly derived from its role as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This amounts to less than substantial harm to the significance of this grade II* listed building which is not outweighed by any perceivable public benefit. As such the proposal is contrary to paragraphs 132 and 134 of the National Planning Policy Framework and Policy NBE18 of the Adopted Local Plan.

2. Insufficient information has been submitted to demonstrate that the existing use is no longer financially or commercially viable or that there are no other viable means of maintaining the existing use, which as a hotel, public house and assembly room is a holistic business that is a valued local facility offering a unique function within the town. As such the proposal is contrary to the aims of Policy S12 of the Adopted Local Plan, Policy NP11 of the Wirksworth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.

3. The applicant has failed to demonstrate that there will be no adverse impact upon the amenity of future residents as a result of the proposed ground floor uses and that there will not be amenity issues between the flats to be created. It also remains unclear as to
whether any mitigation works will be required which could in turn have a harmful impact upon the special character and appearance of the grade II* listed building. As such the proposal is considered contrary to the core principles and part 12 of the National Planning Policy Framework.

9. NOTES TO APPLICANT:

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

9.2 This decision notice relates to the following documents:
Existing and proposed elevations 215/4538.13 received 18.03.16
Existing floor plans 215/4538.12 Rev A received 18.03.16
Amended plan 215/4538.14 Rev A received 05.05.16
Block plan 215/4538.11 received 18.03.16
Location plan 215/4538.10 received 18.03.16
Planning and Heritage Statement received 18.03.16
Planning and Heritage Statement Addendum received 05.05.16
Email from agent dated 10.05.16
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Alterations To Form House In Multiple Occupation Incorporating 6 Flats, An Additional Flat And Commercial (Flexible) Uses</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr Peter Booth</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Wirksworth</td>
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<td>AGENT</td>
<td>Mr Andrew Murphy</td>
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<td>23.02.16</td>
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<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Objections from local residents</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
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MATERIAL PLANNING ISSUES

The impact of the works upon the special character and appearance of the grade II* listed building.

RECOMMENDATION

Refusal
16/00130/LBALT

Red Lion Hotel, Market Place, Wirksworth

Derbyshire Dales DC

Date: 30/06/2016

100019785

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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 site is centrally located within the Town Centre. The application relates to the Grade II* listed Red Lion Hotel which has a public house on the ground floor with letting hotel bedrooms and function room on the first floor with further letting hotel bedrooms above. The building dates from the mid-18th century is of painted brick, 3 storeys in height and of 3 bays with the central slightly advanced, to the frontage there are 3 sash windows with a central Venetian and of 3 lights with a semi-circular tripartite window above. An earlier building of coursed stone rubble with massive buttressed chimney-stack is embodied in the rear. This building forms a group of listed buildings at this far end of Colwell Street close to the central Market Place. The site is also within the Wirksworth Conservation Area and is one of, if not the, most prominent building within the Market Place.

2. DETAILS OF THE APPLICATION

2.1 The application for listed building consent relates only to the physical works to the listed building, those changes are as follows:

- Removal of the servery’s from the lounge bar and bar areas on the ground floor.
- Removal of partition walls and doorways to room 8.
- Install bathroom within existing storage room and associated works to alter doorways and partition walls to create the bathroom space.
- Remove servery from assembly/function room
- Introduction of kitchen to the internal wall within the assembly/function room.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 National Planning Policy Framework
National Planning Practice Guidance
Wirksworth Conservation Area Appraisal

4. RELEVANT PLANNING HISTORY

15/00430/FUL Conversion of public house and erection of buildings to form 25 flats and 2 retail units – Withdrawn
14/00394/FUL Installation of pizza oven flue (retrospective) – Permitted with conditions
13/00653/LBALT Installation of secondary glazing, pizza oven and internal flue pipe – Granted with conditions

Numerous other applications relating to alterations to the listed building and signage.
5. CONSULTATION RESPONSES

Parish / Town Council

5.1 Regret the loss of the community asset which is identified within Wirksworth Neighbourhood plan. The Town Council do not object to the change of use to residential, but we are objecting to the design and layout of the development which is felt to be of insufficient quality for a historic property in a prime and central location.

Historic England
These comments were received in respect of application 16/00129/FUL and relate to the full application which covers the same works proposed in this application. Therefore the comments are added for information:-

5.2 First response –
This is a listed building of more than special architectural and historic interest in a national context. The hotel is a prominent and imposing landmark. It is of significance within the Conservation Area and has particular historic and communal value as the town’s former assembly room. The building lies within the medieval core of Wirksworth and there is an earlier building of coursed stone rubble with large buttressed chimney embodies in the rear. The archaeological potential of the site remains significant.

Support the need to find and secure suitable uses which are compatible with the heritage significance of the building and conservation area. The application is lacking in detail and barely considers the heritage value of the building and its presence within the conservation area. Existing partitions are to be reused but we do not know whether the existing subdivision is in keeping with the special interest of the building. Therefore we cannot advise if the works are compatible with the buildings significance and sustainable in revealing and enhancing this significance. The proposal will quire upgrading of fire regulations and building control legislation and no details of this have been submitted. The insertion of a kitchen into the assembly room could be particularly harmful to the character and appearance of this space. The detail should not be subject to condition, further information and a statement of significance is required to be submitted.

Recommendation:
There is a need to secure uses to sustain the Red Lion Hotel and to benefit the overall economic vitality of Wirksworth, based on the limited information submitted in accordance with paragraph 128 of the NPPF cannot support this application.

Further information was submitted by the applicant’s agent and the following response was received from Historic England.

Second response:
The additional information does not consider in detail the significance of the heritage asset, your authority needs to assess this information as to whether it meets the requirements of paragraphs 128, 129 and 130 of the NPPF. The removal of the smoking she dis an enhancement but the replacement timber bin shed is not an improvement and will appear somewhat incongruous within the setting of this highly graded heritage asset.

The internal alterations to modern partition are noted and that the change of use will not require works to the fabric to comply with legislation and the altered siting of the kitchen in flat 1.

Although the physical works to the historic fabric are limited, the change of use in particular to the first floor principle room to domestic accommodation with impact upon the special architectural and historic character and appearance. It will diminish the historic significance of the hotel and its use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. It is difficult to see how this will reveal and enhance significance in line with the NPPF. Attention is drawn again to paragraphs 128 to 137 of the NPPF.
Recommendation:
Despite limited information the proposal will result in a degree of harm to the significance of the designated heritage asset. It is for your authority to consider whether there is clear and convincing justification for the harm caused and to balance and weigh the public benefit against this harm.

Design and Conservation Officer (Derbyshire Dales)

5.3 The building is a grade II* listed building within the Wirksworth Conservation Area.

The proposed works all appear to be internal works to convert the building to 7 flats and 2 retail units.

The existing ‘servery’s’ to the Lounge Bar & Bar are to be removed. It is doubtful if these fittings have any heritage merit or interest, however, this should be checked to ensure they are not of heritage value. The ‘pizza’ oven is to be removed (this is a relatively modern insertion). It is assumed that its associated flue will also be removed and the roof made good.

On the first floor the large function room is to be one flat. The existing bar servery is to be removed. It is doubtful if this fitting has any heritage merit or interest, however, this should be checked to ensure it has no heritage value. A kitchen area is to be formed to one corner of this large space. The drawing indicates a base unit (with sink) partially located on the projecting chimneybreast. The chimneybreast has a fine Hopton Wood fireplace and in the alcove where the kitchen area is proposed is a recessed cupboard with architrave and double panelled doors. These are believed to be original/historic features of this room and should be retained in-situ. The positioning of a base unit/sink adjacent to/on the chimneybreast is considered to be wholly inappropriate and harmful to the character and appearance of this fine 18th century space. Some alterations to partitions to the area outside the large room (and within proposed Flat 4) are proposed – are these historic/original partitions or modern insertions. If the former they should be retained in-situ.

The existing plan-form/layout of the second floor is to remain as it is.

Whilst the application documentation provides proposed floor plans there is no further detail about any proposed repair or refurbishment works to the interior spaces (or any proposed external alterations). As part of such a conversion (apart from internal painting/carpeting etc.). It is assumed that further works will be required to achieve a ‘specification’ for lettable flats (this may require re-servicing works – water, electric, gas etc. and the provision of ventilation etc. etc.) It is probable that such works would require Listed Building Consent. An assurance from the agent should be sought to confirm this in writing.

No external alterations to the building appear to being proposed, however, an assurance from the agent should be sought to confirm this in writing.

6. REPRESENTATIONS RECEIVED

6.1 A total of 5 representations have been received. A summary of the representations is outlined below:

The building and its use is important in the town.
The function room has been used for family events and is important to the residents of the town in terms of providing this function.
There are too many pubs in Wirksworth but this one should stay as the most important.
We have a small flat for rent, which remains empty as the market is slow for small rental units at the moment (as advised by estate agent).
Is extra retail needed in the town?
Surprising that Wirksworth needs fewer pubs when a new wine bar has just opened in the town.
The Red Lion has been close to closing before but the owner turned it around to be a successful and busy place for the community, this shows it’s never too late.
People were dismayed when the stone mounting steps were removed, we are caretakers of such fine buildings and it should be preserved for future generations.
The bins needed for the flats will be visually harmful.
Two flats could be created and some of the letting rooms retained along with the pub and function room.
Many pubs have been in difficulty but have been brought back into use.
Loss of the use would have a knock on effect on other businesses.
This is special building and should be the last to go.
Agree with the Civic Society.
Own land to the rear of the property with right of way to this, the parking bays should not block our access.

6.2 Wirksworth Civic Society has provided the following comments:

The proposals would cause substantial harm to the special architectural and historic character and appearance of the grade II* listed building. The building is one of the most important in the town. The building has an important historic assembly room use dating back to 1775. The room still has an important function in the town today. The room was designed to impress. The most damaging aspect of the proposal is to convert the assembly room into a domestic kitchen, dining and living space. Such a use would have a detrimental impact on the character and appearance of this room. The introduction of a kitchen unit into the room would be at odds with its severely symmetrical original appearance. Access to the assembly room is by a stone staircase with balustrade dating from the 18th century, the two spaces were designed to be experienced as one, the proposed conversion would end this relationship. The conversion of the remaining first and second floor rooms to flats would compound the loss of character to the former coaching inn. The introduction of modern services and plumbing to the flats would inevitably result in the insertion of pipes and cables etc. it is likely this would result in the loss of original joinery. The proposal to convert the two ground floor bars to retail units presents concerns, how will signage be achieved? How will goods be displayed? Would the existing windows be modified to become shop windows? Such changes are likely to result in considerable negative impacts. With the separation of the building internally, how would the exterior of the building remain unified? The proposed changes would not meet the test of preserving or enhancing the special character or appearance of the designated Conservation Area. There would be substantial damage to the special architectural and historic interest of this grade II* listed building.

7. OFFICER APPRAISAL
7.1 The following material planning issue is relevant to this application:
The impact the proposed physical works to the building will have upon the special character and appearance of this prominent grade II* listed building.

7.2 The change of use and loss of the function room and pub will be considered under the application for full planning permission and is not a matter that can be considered as part of this listed building consent.

7.3 In terms of the Listed Buildings, the primary legislation is set out in the planning (Listed Buildings and Conservation) Act 1990. Section 66 of the Act states:
In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Therefore when considering development which may have an impact upon a listed building the NPPF advises as noted above that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.......Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss.......Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The majority of the proposed works will result in alterations to modern partitions or doorways which will have no impact upon the historic fabric of the building. The removal of the bar servery to the two ground floor units and the function rooms will also have no harmful impact upon the historic fabric of the building.

Through the application process the siting of the kitchen unit within the assembly/function room, in order to form one of the flats, has been amended moving it away from the chimney breast, whilst this is an improvement in the scheme the introduction of a kitchen/living space into this assembly room is of concern. The assembly room remains in its original form and use with the exception of the servery area. However, the introduction of kitchen units into this formal space will diminish the historic significance of the hotel and its continued use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the hotel. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of the heritage asset, which as a grade II* listed building has greater protection, is not outweighed by any public benefit and therefore listed building consent should be refused in accordance with paragraphs 132 and 134 of the NPPF.

Concern has been raised that the introduction of services, additional plumbing etc. that may be required as part of the creation of the flats. If such works are required and have an impact upon the historic fabric of the building then these would require a further application for listed building consent.

RECOMMENDATION

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

The introduction of kitchen units into the formal space of the function room will diminish the historic significance of the hotel and its continued use as the town’s assembly rooms and architecturally will alter the appreciation and hierarchy of this important space within the
hotel. This harm is considered to be less than substantial harm as the harm is to the appreciation and hierarchy of space without loss or harm to the fabric of the building. This harm to the significance of this grade II* listed building is not outweighed by any public benefit as such the proposal conflicts with paragraphs 132 and 134 of the National Planning Policy Framework.

9. **NOTES TO APPLICANT:**

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

9.2 This decision notice relates to the following documents:
- Existing and proposed elevations 215/4583.13 received 23.02.16
- Existing floor plans 215/4538.12 Rev A received 23.02.16
- Amended plan – proposed floor plans 215/4538.14 Rev A received 05.05.16
- Planning statement including Heritage asset statement and Transport statement received 23.02.16
- Addendum to statement received 05.05.16
- Email from agent received 10.05.16
- Block plan 215/4538.11 received 23.02.16
- Location plan 215.4538.10 received 23.02.16
- Photographs of existing servery’s received 26.05.16
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<td>Erection of Dwelling</td>
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<td>H Frith</td>
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<td>APPLICANT</td>
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<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>None – as the site was recently visited by the committee for an application on the site for two dwellings.</td>
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**MATERIAL PLANNING ISSUES**

1. Principle of Development
2. Impact upon the character and appearance of the conservation area
3. Impact upon setting of listed building
4. Highway safety
5. Residential amenity

**RECOMMENDATION**

Refusal
The Old Cottage, Main Street, Kirk Ireton

Derbyshire Dales DC

Date: 30/06/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application relates to garden land associated with the existing dwelling known as ‘The Old Cottage’. The site is reasonably level with a variety of boundary treatments. There is a conifer hedge crossing the site. To the east of the dwelling is an existing stone outbuilding. Access is to the west of the existing dwelling. The site is within a residential area in the centre of the village. Residential properties are located in close proximity to the main garden area to the east and south of the site. The site is located within the Kirk Ireton Conservation Area.

2. **DETAILS OF THE APPLICATION**

2.1 Planning permission is sought to erect a dwelling within the rear garden area of the existing dwelling. The dwelling would be two storeys in height and of an ‘L’ shaped form and of stone construction and would be sited to the south western corner of the rear garden facing in an easterly direction. It is intended that access to the site will be gained to the east of the existing dwelling with parking area within the attached front car port structure. The creation of the access will involve the demolition of the existing stone outbuilding which it has been determined can be carried out as permitted development as the building is less than 115m³. The access would wrap around the rear of the existing dwelling to meet the proposed unit.

2.2 The dwelling would be two storeys providing a three bedroomed dwelling, with a one and half storey projection to the south and a car port structure projecting forwards from the front elevation in an easterly direction. The principle view of the front elevation would be of gables with a main door set to one side with three single small windows and three double paned windows with central mullion detail.
2.3 The applicant has submitted a supporting statement the key points of which are summarised:

- The Conservation Area appraisal does not preclude back land development
- The building is of traditional materials
- The large open space of the garden would largely be retained
- The garden is not identified as a green space
- The single dwelling cannot be considered to be cramped
- It has less intensity than some development in the village
- The public benefit derived from this scheme is the provision of additional housing
- The adverse amenity impacts have been removed due to the reduction down to one dwelling.
- A recent appeal was allowed in a similar case in Kirk Ireton (Skyfall).
- On the previous application there were no objections from statutory consultees.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2005)
- SF4: Development in The Countryside
- SF5: Design And Appearance of Development
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design And Appearance Of New Housing
- NBE16: Development Affecting A Listed Building
- NBE21: Development Affecting A Conservation Area
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

3.2 Other:
- National Planning Policy Framework
- National Planning Practice Guidance
- Kirk Ireton Conservation Area Appraisal

4. RELEVANT PLANNING HISTORY:

15/00842/FUL Erection of two dwellings – Refused for the following reasons:

1. The development of this back land garden site would lead to the loss of a green space within the Conservation Area and the visual layering of housing in a cramped form of development which would harm the character and appearance of the Conservation Area contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan. This less than substantial harm to a designated heritage asset without public benefit is contrary to paragraphs 132 and 134 of the National Planning Policy Framework.

2. The proposed development in such close proximity to ‘Greenway’ would have an overbearing impact upon that property leading to harm to the residential amenity of its occupants. The proposal is therefore contrary to policy SF5 and H9 of the Adopted Derbyshire Dales Local Plan and contrary to the core principles of the National Planning Policy Framework.

15/00685/DEM Demolition Prior Notification - demolition of outbuilding – Prior approval not required.
5. CONSULTATION RESPONSES

Parish Council
5.1 Many of the previous concerns have been addressed. Councillors have sympathy with the matters raised within the conservation report and feel that these should be taken into account when a decision is made on this application.

Derbyshire County Council (Highways)
5.2 This Authority did not raise objections to the previous application. The scheme has been reduced to one dwelling. On this basis the Authority would not wish to raise objections, note the highway conditions etc. as previously suggested.

Conservation Advisory Forum
5.3 Discussed the current proposal. They re-iterated their concerns (made previously) over the principle of developing the open land to the rear of the Main Street (refer to CAF comments made in January 2016). Considered that the outbuilding to be demolished should be retained as an historic part/element of the street scene and contributing to the character of Main Street. The proposed property is half of what, in essence, was put forward in January. CAF considered that this would not preserve or enhance the Conservation Area. In that regard, the forum considered the design and form inappropriate. If the principle of development for one property were to be considered acceptable (by the LPA) then the property should be respectful and appropriate to its context and setting. In this regard the forum noted that any development should be single-storey, of an appropriate and bespoke design solution befitting its context and setting and be respectful and take into account its potential impact on the character and appearance of the Conservation Area.

Internal comments:

Design and Conservation Officer (Derbyshire Dales)
5.4 The proposals involve the demolition of a 19th century stone outbuilding to obtain vehicular access to the site. Historic access to the site or land to the rear of the Old Cottage is to the west of the cottage. The proposed demolition of this historic ancillary building is unfortunate as the Main Street contains a number of such structures which punctuate the roadside streetscape emphasising the former agrarian economy of the village and presenting a diversity of building types (domestic and ancillary/service) onto the street frontage. The removal of the historic ancillary building will be a significant and irrevocable loss to the character and appearance of this side of Main Street.

5.5 The concept of back land development, especially to historic gardens or crofts which lay behind the built-up street frontage are valuable elements of open space within the Conservation Area and contribute significantly to its character and appearance. In this regard the concept of the development of these spaces with buildings of a domestic height, form, scale and appearance, irreversibly removes the historic survival of the open land beyond the built-up street frontage and creates a ‘stacked’ or layered development of houses behind houses. Late 20th century development within the village such as Buxton Close and Ireton Court differs from the proposal at The Old Cottage in that those earlier development always and historically benefitted from an established formal access to the land on which they are built. This is different to that at The Old Cottage where demolition of an historic building is required to create a new and, hither to, non-established access to its private garden/croft.

5.6 In the designation (and 2015 review) of the Conservation Area the surviving character and contribution that open land to the rear of street-frontage properties bring to its special interest and value is rightly recognised.
In conclusion, it is considered that the principle of the concept of a domestic, residential property to the rear of The Old Cottage, and the impact of its associated vehicular access and loss of the historic ancillary building will neither preserve nor enhance the Conservation Area nor will it fulfil the desirability of new development making a positive contribution to local character and distinctiveness.

3. REPRESENTATIONS RECEIVED

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

Amenity
- The access will impact upon amenity introducing noise and disturbance to the neighbouring property.
- Loss of privacy
- Harm to amenity contrary to requirements of local plan
- Significant overlooking
- Loss of light to garden areas
- If approved operating hours restriction should be imposed for building works.

Conservation Area
- Layering effect of the development detrimental to the Conservation Area
- Loss of one of the few remaining areas of green space along Main Street
- Loss of the stone building will be detrimental to the Conservation Area, other similar buildings have been put to appropriate uses.
- Proposal does not respect the street pattern
- The dwelling would be too close to other properties
- The breaking up of the building does not reduce the scale
- The development will be cramming off what is a low density road
- Overdevelopment of the site the building would be visible from certain vantage points on Main Street the site does not afford a discernible gap behind the properties on the south side of Main Street and would interfere with the morphological pattern and visual evolution of the village
- Adverse impact upon character and appearance of the area
- The dwelling would be out of place and detrimental to the visual and historical landscape of this conservation area.
- Out of scale and proportion to existing development
- The building to be demolished was the former village laundry and therefore an important part of the history of the village.

Highways
- Access is limited and will lead to the loss of parking spaces
- Lack of parking for visitors which will increase demand for on street parking which will be worse at peak times
- Question the safety of the proposed access in terms of width and visibility

Other
- What will happen to the site that was for a dwelling previously
- Is this application an attempt to create a precedent to achieve the original goal in the future?
- The eaves of the building are not low enough
- Adverse impact upon trees through excavation and heavy machinery
- Impact on wildlife haven for birds, animals and insects, therefore trees should be kept
• Works will impact upon the stability of neighbouring properties some of which are over 100 years old and have minimal foundations with subterranean watercourses.
• Concerns regarding drainage of the site.
• The building should be lower to lessen impacts
• Further pressure on the local school.

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:
1. Principle of Development
2. Impact upon the character and appearance of the Conservation Area
3. Impact upon setting of nearby listed building
4. Highway safety
5. Residential amenity

Principle of Development

7.1 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Paragraph 49 of the National Planning Policy Framework the lack of housing supply means that the housing policies of the adopted Local Plan must be considered out of date. Therefore the determination of applications for new housing developments must be considered in accordance with paragraph 14 of the National Planning Policy Framework.

7.2 Paragraph 14 states that Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:
− Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
− Specific policies in this framework indicate development should be restricted.
  • Footnote 9 to the latter part of paragraph 14, identifies policies relating to heritage assets as being an instance where there is not a presumption in favour.

7.3 It is acknowledged that in order to meet the housing need some development is likely in the smaller villages where such development can assist in the continued provision of local services and facilities. Such development is likely to be in the form of infilling and consolidation of existing development pattern. Therefore in principle development in villages such as Kirk Ireton where there are some services and facilities is likely to be acceptable in principle as development in a sustainable location. Sustainable development is promoted through the NPPF including paragraph 14. However there are three roles to sustainability which need to be considered, not only the location of development.

Impact upon the character and appearance of the Conservation Area

7.4 In terms of Conservation Area, the primary legislation is set out in the Planning (Listed Buildings and Conservation) Act 1990. Section 72 of the Act states:

With respect to any building or land in a Conservation Area.......special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.5 This is reflected in government guidance set out in NPPF which advises on this need to preserve or enhance a heritage asset and states in Paragraphs 132, 133 and 134 that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration and destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification……Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss……Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

7.6 Along Main Street the application property is one of the older properties with its associated curtilage providing a green space in the centre of the residential area. In this case the original dwelling whilst not of an imposing style is of some age and has one of, if not the, largest garden areas forming part of the historic pattern along Main Street. Due to earlier developments in this part of the village only two larger garden areas remain, leaving one of the few remaining green spaces along this part of Main Street providing a break between properties. The development of this site will lead to the loss of this green space. The development of the site with a single dwelling will be seen from Main Street as a layering of properties which is at odds with the prevailing character and appearance of the area.

7.7 It is acknowledged that there are examples of back land development along Main Street, for example Ireton Court, however this is quite different to the proposed development as Ireton Court was formed from a former yard area where the existing dwellings fronted the access route. This proposal is for wholly back land development which would be an incongruous form of development in this context harmful to the character and appearance of the Conservation Area.

7.8 In accordance with paragraphs 132 and 134 of the NPPF as noted above the harm to the Conservation Area in this case is considered to be less than substantial. However, as the proposal is for the development of a private dwelling there is no public benefit in this case to outweigh the harm, as such the proposal is contrary to paragraph 134 of the NPPF.

Impact upon the setting of the Listed Building

7.9 There is a grade II listed building to the south east of the application site known as Prospect Cottage. Development near to listed buildings can have an impact upon setting beyond the immediate curtilage of the listed building. In this case the listed building, Prospect Cottage, is a distance away from the site and there is intervening development between the application site and the listed building which has already eroded the open character that would have been between the listed building and The Old Cottage. There is also existing planting forming a screen between the two, however this planting could be lost and therefore minimal weight can be given to this. It is considered that the proposed development will have minimal impact upon the setting of this listed building and therefore there is no perceivable harm in this regard.

Highway Safety

7.10 Concern has been raised by local residents that the proposal will have poor access visibility and that the proposal will adversely impact upon highway safety and the safety of pedestrians and loss of on-street parking. The Local Highway Authority has considered the proposal and considers that the access visibility is acceptable. The potential loss of on street parking and increased demand for this is not a concern in terms of highway safety. The proposal is therefore acceptable in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan.
Residential Amenity

7.11 Policies SF5 and H9 of the Adopted Local Plan require that developments do not harm the amenities of others and are policies that remain broadly in line with guidance contained within the National Planning Policy Framework. One of the core principles noted in paragraph 17 of the NPPF states that planning should always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

7.12 Concern has been raised from local residents that the proposal will harm the amenity of neighbouring residents in terms of overlooking, loss of privacy and noise and nuisance.

7.13 The access drive to the proposed dwelling will be in close proximity to the adjacent property Laurel Mount. However, the access will lead to a larger parcel of land which would become garden to the proposed dwelling. It is not considered that this access whilst in close proximity to the neighbouring property will cause such harm that refusal of planning permission on this basis would be warranted.

7.14 The siting of the dwelling to the western most end of the plot would ensure that there is minimal harmful impact upon the amenity of the neighbouring residents at Ireton Court and Greenway. However, the siting of the dwelling is close to the boundaries of the site and may have some impact upon the garden use and any future potential use of the land to the immediate south and west of the proposed dwelling. It is considered that this harm could be mitigated by alterations to position and size of the windows which has not been sought through this application due to other fundamental concerns. It is not considered that this potential stymying of the neighbouring land is inevitable and that planning permission should be refused on this basis.

Conclusion

7.15 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

7.16 The location of the site in the centre of the village of Kirk Ireton is considered to be acceptable in terms of being a sustainable location where development would underpin local services and facilities. It is acknowledged that the Council cannot demonstrate a 5 year housing land supply. However, the lack of housing supply does not mean that any development is acceptable. The NPPF seeks to approve sustainable development. There are three roles of sustainability to be met in order for development to be considered sustainable and therefore acceptable.

7.17 In this case these roles are assessed as follows:
- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers.
- The social role of sustainability would be met in a very minor way through the provision of housing to meet future needs.
- The environmental role of sustainability would not be met due to the harm the development would have upon the character and appearance of the Conservation Area as described above. This harm is also contrary to the core principles defined in paragraph 17 and contrary to part 7 in relation to requiring good design and contrary to paragraphs 134 as there is no public benefit to outweigh the harm.
7.18 Therefore when considering matters in the round, despite the fact that housing policies are out of date, the less than substantial harm to the character and appearance of Kirk Ireton Conservation Area without counterbalancing substantial benefits means that the development is contrary to paragraph 14 and other policies within the NPPF and policies within the Adopted Local Plan and therefore planning permission should be refused.

8. **RECOMMENDATION**

8.1 That planning permission be refused for the following reason.

The development of this back land garden site would lead to the loss of a green space within the Conservation Area and the visual layering of housing which would harm the character and appearance of the Conservation Area contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan. This less than substantial harm to a designated heritage asset without public benefit is contrary to paragraphs 132 and 134 of the National Planning Policy Framework.

9. **NOTES TO APPLICANT:**

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

9.2 This decision notice relates to the following documents:
- Planning application overview received 27.04.16
- Site location plan 01-001 Rev 001 received 27.04.16
- Site plan visibility splays and access 01-003 Rev 001 received 27.04.16
- Site block plan 01-002 Rev 001 received 27.04.16
- Proposed elevations sheet 1 01-301 Rev 001 received 27.04.16
- Proposed elevations sheet 2 01-302 Rev 001 received 27.04.16
- Proposed floor and roof plans 01-102 Rev 001 received 27.04.16
- Proposed floor plans 01-101 Rev 001 received 27.04.16
- Planning Statement received 27.04.16
- Design and Heritage Statement received 27.04.16
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<th>APPLICATION NUMBER</th>
<th>16/00316/FUL</th>
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<td>SITE ADDRESS:</td>
<td>Wallands Farmhouse, Brassington Road, Brassington</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolition of agricultural building and erection of dwelling</td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<td>PARISH/TOWN</td>
<td>Brassington</td>
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<td>APPLICANT</td>
<td>Mr N Spiteri</td>
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<tr>
<td>AGENT</td>
<td>Planning Design Practice</td>
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<td>WARD MEMBER(S)</td>
<td>Councillor L Rose</td>
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<td>13.07.16</td>
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**MATERIAL PLANNING ISSUES**

- Principle of the development
- The impact upon landscape character and appearance
- Impact upon the loss of part of an area of ridge and furrow of regional importance

**RECOMMENDATION**

Refusal
Wallands Farmhouse, Brassington

Derbyshire Dales DC

Date: 30/06/2016

100019785
1. THE SITE AND SURROUNDINGS

The application site relates to a collection of farm buildings, in particular the steel framed farm buildings fronting the highway to the east of the site. The site is within open countryside with stone farm buildings to the west and planning permission has been granted for a replacement farm house to the south of the site in the field opposite the access. The site is enclosed by hedging with a stone boundary wall to the site frontage.

2. DETAILS OF THE APPLICATION

2.1 Planning permission is sought to demolish the existing steel framed farm buildings which are in a dilapidated state and erect a new dwelling to the north of the buildings to be demolished. The proposed dwelling would be served from a shared driveway leading from the highway to the east of the site. The dwelling proposed would be of a quasi-agricultural design. The main part of the building is to be two storeys in height with a single storey element creating a ‘T’ shape form with large glazed central hallway feature. A number of large glazed doorways are proposed in the ground floor with domestic type windows to both the ground and upper floor.

2.2 The accommodation proposed is as follows:
Boot room, utility, kitchen and living area, central hallway, lounge, dining room, WC, en-suite and bedroom on the ground floor. On the first floor three bedrooms, an en-suite and bathroom are proposed. A lean to car port structure is proposed to the eastern side elevation of the building.

2.3 A supporting statement has been submitted which notes the following key points:
Wallands farm is located approximately one mile to the south of the village of Brassington which has a range of services and facilities and is served by a bus service. The existing buildings on the site are of little visual merit. The building was granted prior approval for
conversion to a dwelling under Class Q of the GPDO in January 2016 (15/00866/PDA). This approval also authorised the conversion of the traditional farm buildings to the west of the site. Planning permission has also been granted to replace the former farmhouse with a new dwelling. The landscape context is relatively flat and open with hedges forming field boundaries. The access has good visibility.

2.4 The agricultural building benefits from approval under class Q for conversion to a dwelling. The alterations authorised in association with such conversion are limited. Whilst the building is of little character it would retain much if it’s utilitarian character post-conversion and would be visible in the landscape for years to come. The applicant is of the view that replacing the existing utilitarian outbuilding with a purpose built structure designed from the outset to have the character and appearance of a sympathetically converted traditional agricultural building, would be a better alternative. The proposed building will provide four bedroom accommodation as did the proposed conversion. The building has been designed to have the appearance of a traditional farm building. The footprint of the building would be moved to the north to open up views of the traditional farm buildings and improve the relationship with the existing dwelling, providing greater separation from the approved conversion.

2.5 The proposal effectively constitutes a replacement dwelling, although the outbuilding is yet to be converted. The applicant would accept a condition to demolish the existing building in order to build the new dwelling. Approval would not result in a net increase in the number of dwellings. The existing building is uninspiring and out of keeping with the vernacular. The proposed dwelling would be more in keeping with its landscape and context. It should be noted that the council cannot currently demonstrate a 5 year housing land supply. Paragraph 55 of the NPPF advises that local authorities should resist new isolated homes on the countryside unless there are special circumstances. Whilst this is not a sustainable location the proposal would not lead to any increase in the total number of units approved at the site. The scheme will also improve the character and appearance of the area.

2.6 The proposal is considered to be sustainable in economic, social and environmental terms. The impacts of the scheme are minor relative to its merits and therefore fail to outweigh them.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK
3.1 Adopted Derbyshire Dales Local Plan (2005)
SF4: Development in The Countryside
SF5: Design And Appearance of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For new Development

3.2 Other:
National Planning Policy Framework
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY:
4.1 15/00866/PDA Change of use of agricultural buildings to 2 no. dwelling houses (Use Class C3) and associated building operations – Prior Approval Granted

5. CONSULTATION RESPONSES
Parish / Town Council
5.1 None received
5.2 No comments received

Landscape Design Officer (Derbyshire Dales)

5.3 The remaining buildings stand in isolation in a prominent and exposed position. There are wide ranging views of the site to the west where land drops steeply away. The overall effect of the proposed development would be to replace a compact range of farm buildings with a much more widely dispersed cluster of three domestic properties with only the property at Barn 2 being as a result of actual conversion.

The development represents an intrusion of residential development into open countryside without the benefit of conversion of an existing farm building; as such it will have a significant adverse impact upon local landscape character. The property will be prominent in the view from Brassington Road resulting in significant adverse impact on local visual amenity. The cumulative impact of all three domestic properties within open countryside will have a significant adverse impact upon local landscape character and visual amenity.

Development Control Archaeologist

5.4 Development of the proposal site will involve loss of an area of earthwork ridge and furrow of medieval date. The extent of earthwork loss is not entirely clear from the application, and depends to some extent on whether earthworks in the curtilage of the proposed buildings are to be levelled, but could amount to 0.3ha. A further 0.4ha would be lost to the south of the farm should the application 16/00317 for a dwelling in the paddock to the south gain consent.

The ridge and furrow forms part of a large block mapped on the Derbyshire Historic Environment Record (HER 30649) around Wall Lands and Carslow and amounting to 123ha in total. Better-preserved elements of this block are recorded by SHINE (Natural England’s selected heritage inventory) as ‘medium’ significance and amount to c21ha around Wall Lands with a further 15ha just to the north. The proposal site therefore forms a small percentage of the overall ridge and furrow resource in the area (about 1% of the SHINE site around Wall Lands). In combination with the associated application to the south this would see a loss of about 0.7ha or 3% of the ridge and furrow resource around Wall Lands.

Given its extent the surviving ridge and furrow in the area is likely to be of regional significance, although this asset would only incur a minor harm from the current development proposals. In determining the application the local planning authority should form a balanced judgement weighing this harm against the benefits of the development proposals (NPPF para 135).

6. REPRESENTATIONS RECEIVED
6.1 None

7. OFFICER APPRAISAL

The following material planning issues are relevant to this application:

1. The principle of development
2. The impact upon landscape character and appearance
3. Impact upon the loss of part of an area of ridge and furrow of regional importance

Principle of Development

7.1 The application site lies within open countryside in a location where new residential development is restricted.
7.2 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Paragraph 49 of the National Planning Policy Framework the lack of housing supply means that the housing policies of the adopted Local Plan must be considered out of date. Therefore the determination of applications for new housing developments must be considered in accordance with paragraph 14 of the National Planning Policy Framework.

7.3 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, 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 this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

7.4 It is acknowledged that in order to meet the housing need some development is likely in the villages and on green field sites where such development can assist in the continued provision of local services and facilities. However, this application relates to an isolated rural setting where such a development cannot be considered sustainable as the occupiers of the property would be wholly reliant on the private motor car in order to access all services and facilities.

7.5 Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- It is essential for a rural worker to live permanently at the site,
- The development would present optimal viable use of a heritage asset or disused building or,
- The exceptional quality or innovative nature of the design of the dwelling, such a design should:
  - Be truly outstanding or innovative
  - Reflects the highest standards of architecture
  - Significantly enhance its immediate setting; and
  - Be sensitive to the defining characteristics of the local area.

7.6 It is not considered in this case that any of these special circumstances apply. The dwelling is not required for an agricultural worker. The design of the dwelling is not truly innovative or of special high quality architecture. The quasi agricultural design and the sporadic siting of dwellings across the site which would result from this development would not significantly enhance the setting or be sensitive to the defining characteristics of the area. Therefore the proposal is contrary to the requirements of paragraph 55 in relation to unsustainable development in the open countryside.

7.7 It is noted that prior approval has been approved to convert the existing farm building under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. This legislation permits the conversion of agricultural buildings subject to certain criteria and the principle of this has been agreed under part a) of Class Q. However this permitted conversion has not taken place, and part b) of Class Q is yet to be submitted. Therefore this development cannot be considered as a replacement dwelling as there is no dwelling there to replace, merely a permission to convert. The purpose of this legislation is to enable the re-use of redundant farm buildings to boost housing supply. The legislation does not permit any extension or demolition and rebuild of the farm buildings to be converted and is restrictive in this regard to ensure conversion only. Therefore this proposed development has to be considered solely as a new build residential development in the open countryside in a wholly unsustainable location which is contrary to the core principles and paragraph 55 of the NPPF.


**Landscape and visual impact**

7.8 The restrictions on conversion of the buildings set out in the legislation ensure that the rural nature of the landscape context, of which rural farm buildings are in intrinsic part, is preserved. The proposal is to demolish part of a collection of farm buildings and erect a new dwelling further to the north of the site within the middle of the open field. This will result in a sporadic siting of dwellings within the wider context which will have an urbanising effect upon the appearance of the site.

7.9 The design of the dwelling has been noted by the applicant’s agent to have the appearance of a traditional farm building. The two storey scale, ‘T’ shaped form and design details are considered to result in a building of a domestic appearance and therefore the building would not have the appearance of a utilitarian building associated with a farming operation. It is also worth noting that whilst the existing farm building of little merit their conversion would retain the form of a wider group of utilitarian farm buildings and would likely improve the overall appearance of the existing buildings.

7.10 It is considered that the siting and the design of the proposed dwelling being overly domestic and of an urbanising form will cause harm to the character and appearance of the site as a traditional rural farmstead and the wider landscape character of which such farmstead groupings are typical. As such the proposal is considered to be contrary to Policies SF5 and NBE8 of the Adopted Local Plan which require development to preserve or enhance the quality and local distinctiveness of the surroundings and that protects or enhances the character, appearance and local distinctiveness of the landscape.

7.11 These policies of the local plan are considered, to some extent, to be in line with the National Planning Policy Framework. The proposal is also considered contrary to specific policies within the NPPF which requires that development should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and avoiding isolated new homes in the countryside.

*Impact upon ridge and furrow*

7.12 Paragraph 135 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. Where there is a direct or indirect impact a balanced judgement will be required having regard to the scale of any harm or loss of the significance of the heritage asset.

The application site is an area that covers a small percentage of a much larger area of ridge and furrow which as a whole is considered to be of regional significance. However given the minimal extent of the loss in terms of the area of ridge and furrow it is considered that the proposal will have minimal impact upon the significance of the ridge and furrow as a non-designated heritage asset. Therefore in accordance with paragraph 135 of the NPPF this will not amount to a level of harm to the non-designated heritage asset such that refusal of planning permission is warranted.

*Highway safety*

7.13 The Highway Authority has not to date provided any comments on this application. However, the access to the site appears to have sufficient visibility splays to allow safe access along this stretch of road. Without information to the contrary to is considered that safe access and sufficient parking can be achieved to the site in accordance with policies TR1 and TR8 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.
Conclusion

7.14 Paragraph 14 of the NPPF requires that where the development plan is absent, silent or the relevant policies are out of date, grant planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate development should be restricted.

However, whilst there is a lack of housing supply this does not mean that all proposals for residential development are acceptable and therefore development needs to be considered against the three roles of sustainability.

7.15 In this case these roles are assessed as follows:

- The economic role of sustainability will be met during construction and afterwards in the contribution to the economy created by the new occupiers, although this would be just as well served by the conversion of the existing building and therefore can only be given limited weight as a benefit.
- The social role of sustainability would not be met as occupiers of the building would be wholly reliant on the private motor vehicle in order to access services and facilities.
- The environmental role of sustainability would not be met due to the harm the development would have upon the character and appearance of the site as a traditional farmstead and as a typical feature in the landscape this would also harm the wider landscape character and appearance. Furthermore the reliance on the private motor vehicle to access services and facilities would result in additional pollution and emissions also contrary to the environmental role of sustainability.

7.16 Therefore when all matters are considered in the round the harm from the development is considered to be significant and demonstrable harm that is not outweighed by the minor economic benefit of the scheme that would equally be provided by the conversion already approved. Therefore planning permission is recommended for refusal.

8. **RECOMMENDATION**

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

1. The site lies in open countryside, without ready access to basic services, facilities and employment opportunities. The construction of a dwellinghouse, which does not need to be in such an isolated rural location, would be an inherently unsustainable, unwarranted and non-essential form of development in the countryside. As such, the proposal would be contrary to the requirements of paragraph 55 of the National Planning Policy Framework and would result in significant and demonstrable harm outweighing any benefit, contrary to the requirements of Paragraph 14 of the National Planning Policy Framework.

2. The siting, form and design of the dwelling would result in a form of development that would have an urbanising impact upon the wider site and is harmful to its character and appearance and the wider landscape character and appearance of the area. As such the proposal is contrary to policies SF5 and NBE8 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework

**NOTES TO APPLICANT:**

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

This decision notice relates to the following documents:
Site location plan no. 2210-65 received 18.05.16
Site plan as proposed (permitted) 2210-50 received 18.05.16
Site plan as existing 2210-66 received 18.05.16
Supporting statement received 18.05.16
General arrangement as proposed 2210-63 received 18.05.16
Overall site plan as proposed 2210-62 received 18.05.16
Barn conversion unit 2, plans as proposed 2210-53 received 18.05.16
Barn elevations as proposed 2210-54 received 18.05.16
Barn elevations as existing 2210-52 received 18.05.16
### Ashbourne North

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
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<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 photovoltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Pending Consideration</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 Kniveton 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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### Brailsford

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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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<td>Reference</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 courtilage.</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>
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<td></td>
<td><strong>Carsington Water</strong></td>
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<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<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>
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<td></td>
<td><strong>Clifton And Bradley</strong></td>
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<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>
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<td><strong>Darley Dale</strong></td>
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<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/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>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Pending Consideration</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></td>
<td><strong>Dovedale And Parwich</strong></td>
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<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
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### Doveridge And Sudbury

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<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>ENF/13/00019</td>
<td>Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge.</td>
<td>Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00085</td>
<td>Unauthorised building works due to failing to discharge pre commencement condition 2 of planning permission 14/00577/FUL - First floor extension to bungalow.</td>
<td>Cuthberts Bank Church Lane Doveridge Derbyshire DE6 5NN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00001</td>
<td>Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let.</td>
<td>Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00039</td>
<td>Unauthorised change of use of agricultural outbuildings to office/business use.</td>
<td>Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL</td>
<td>Pending Consideration</td>
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### Hulland

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<tr>
<td>ENF/14/00041</td>
<td>Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU</td>
<td>Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00004</td>
<td>Unauthorised engineering works including substantive excavation on land at Common Farm.</td>
<td>Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00024</td>
<td>Unauthorised change of use of holiday cabins to dwelling.</td>
<td>Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00043</td>
<td>Unauthorised engineering works on land at Whinney Hill Farm</td>
<td>Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG</td>
<td>Pending Consideration</td>
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### Masson

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<tr>
<td>ENF/11/00083</td>
<td>Unauthorised rebuilding of retaining wall.</td>
<td>24 Chapel Hill Cromford Derbyshire DE4 3QG</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00108</td>
<td>Unauthorised works to Grade II Listed Building</td>
<td>Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00052</td>
<td>Installation of plastic windows in a listed building.</td>
<td>101 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Unauthorised alterations to a Grade II Listed Building.</td>
<td>Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00060</td>
<td>Unauthorised installation of two roof-lights and flue on the rear roof slope.</td>
<td>Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00104</td>
<td>Unauthorised internal works and demolition of external boundary wall.</td>
<td>Mill Managers House Cromford Mill Mill Road Cromford Derbyshire DE4 3RQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
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<td>Address/Details</td>
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<tr>
<td>ENF/15/00105</td>
<td>Unauthorised engineering operations to create extra parking/turning area.</td>
<td>G P Produce The Hill Cromford Derbyshire DE4 3QL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00024</td>
<td>Unauthorised occupation of holiday let as residential dwelling.</td>
<td>The Farrow Chestnut Farm Abel Lane Bonsall Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00028</td>
<td>Unauthorised erection of fence within the curtilage, at the rear, of a Grade II Listed Building.</td>
<td>86 The Hill Cromford Derbyshire DE4 3QU</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00037</td>
<td>Unauthorised extension to property.</td>
<td>1 Water Lane Cromford Derbyshire DE4 3QH</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00039</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>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00041</td>
<td>Unauthorised instalation of plastic windows and door.</td>
<td>2,4,6 North Parade Matlock Bath Derbyshire DE4 3NS</td>
<td>Notice Issued</td>
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**Matlock All Saints**

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<tbody>
<tr>
<td>ENF/14/00006</td>
<td>Unauthorised change of use from domestic curtilage to use as commercial car park relating to Parkside Fitness</td>
<td>5 Olde Englishe Road Matlock Derbyshire DE4 3RR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00030</td>
<td>Unauthorised &quot;PELI&quot; advertisement</td>
<td>Peli Deli 6 Crown Square Matlock Derbyshire DE4 3AT</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00087</td>
<td>Breach of conditions on planning application number 14/00493/FUL.</td>
<td>10 Imperial Road Matlock Derbyshire DE4 3NL</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00014</td>
<td>Unauthorised fencing/decking to the side and rear with associated engineering operations.</td>
<td>38 Megdale Matlock Derbyshire DE4 3JW</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00015</td>
<td>Breach of condition 2 on planning permission (office code)</td>
<td>19 Dale Road Matlock Derbyshire DE4 3LT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00038</td>
<td>Unauthorised erection of fences and alleged car sales business.</td>
<td>2 Bentley Close Matlock Derbyshire DE4 3GF</td>
<td>Pending Consideration</td>
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**Matlock St Giles**

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<tr>
<td>ENF/13/00084</td>
<td>Unauthorised erection of workshop</td>
<td>Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00083</td>
<td>Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL)</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00088</td>
<td>Unauthorised play equipment at The Gate Inn, Tansley.</td>
<td>Gate Inn The Knoll Tansley Derbyshire DE4 5FN</td>
<td>Pending Consideration</td>
</tr>
<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>Pending Consideration</td>
</tr>
<tr>
<td>Reference</td>
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<tr>
<td>ENF/16/0002</td>
<td>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.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00018</td>
<td>Unauthorised extensions to existing stables and field shelter.</td>
<td>Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00025</td>
<td>1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.</td>
<td>Land Off Alders Lane, Tansley.</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00046</td>
<td>Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL</td>
<td>Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX</td>
<td>Pending Consideration</td>
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**Norbury**

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<th>Reference</th>
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<tbody>
<tr>
<td>ENF/11/00091</td>
<td>Untidy site - storage of scrap materials (Timber, metal, pipes, bricks, slates, gravel etc), old vehicles and caravans in a state of disrepair.</td>
<td>Home Farm Thurvaston Road Marston Montgomery Derbyshire DE6 2FF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00050</td>
<td>Unauthorised building works to an agricultural building. (Increasing the height).</td>
<td>Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/14/00030</td>
<td>Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.</td>
<td>Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET</td>
<td>Pending Consideration</td>
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**Wirksworth**

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<th>Reference</th>
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<tbody>
<tr>
<td>ENF/15/00019</td>
<td>Unauthorised erection of a timber built Mess Room, Office, Wash Room, Storage and Livestock Building.</td>
<td>Sleepy Hollow Farm Hopton Lane Wirksworth Derbyshire DE4 4DF</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00068</td>
<td>Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.</td>
<td>Peak View Caravan Site Brassington Lane Wirksworth Derbyshire</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/15/00079</td>
<td>Works to a Listed Building</td>
<td>14 Market Place Wirksworth Derbyshire DE4 4ET</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Unauthorised engineering operations.</td>
<td>Land Off Oakerthorpe Road Bolehill Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>
Change of use of land from agricultural to caravan site and domestic curtiage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD
## Ashbourne North

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Alleged Activity</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<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 Oswalds Crescent.</td>
<td>8 Spire Close Ashbourne Derbyshire DE6 1DB</td>
<td>23/03/2016</td>
</tr>
<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>04/03/2016</td>
</tr>
</tbody>
</table>

## Ashbourne South

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Alleged Activity</th>
<th>Location</th>
<th>Date</th>
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</thead>
<tbody>
<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, Ashbourne, Derbyshire</td>
<td>Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</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 for Mr Michael Webster.</td>
<td>Unit 3 Former House Of Correction Derby Road Ashbourne Derbyshire DE6 1BE</td>
<td>01/03/2016</td>
</tr>
<tr>
<td>ENF/16/00016</td>
<td>Alleged building in addition to that approved</td>
<td>Land To The East Of Lodge Farm Chase Ashbourne Derbyshire</td>
<td>05/02/2016</td>
</tr>
<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>25/02/2016</td>
</tr>
<tr>
<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 exercise coaching (use class D2) - Mr A Kent</td>
<td>Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>26/04/2016</td>
</tr>
</tbody>
</table>

## Brailsford

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Alleged Activity</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/14/00073</td>
<td>Failing to maintain a farmyard wall attached to a listed building.</td>
<td>Churchfields Farm Brailsford Derbyshire DE6 3BW</td>
<td>06/01/2016</td>
</tr>
<tr>
<td>ENF/15/00029</td>
<td>Unauthorised change of use of agricultural building to use as stables and livery.</td>
<td>The Old Drifthouse Park Stiles Farm Park Lane Rodsley Derbyshire DE6 3AJ</td>
<td>15/01/2016</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Address</td>
<td>Status</td>
</tr>
<tr>
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<td>----------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>-------------------------------</td>
</tr>
<tr>
<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>
</tr>
<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>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>ENF/16/00026</td>
<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>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00111</td>
<td>Unauthorised siting of caravans on land adjacent to A515, Ashbourne.</td>
<td>Barn To The South Of Halfway House Clifton Road Clifton Derbyshire</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00007</td>
<td>Alleged breach of condition 3 relating to planning permission - 15/00581/FUL - Change of use of land from agricultural to equestrian and erection of hay store and field shelter (Retrospective)</td>
<td>Woodways 6 Council Houses Yew Tree Lane Bradley Derbyshire DE6 1PG</td>
<td>Complied Voluntarily</td>
</tr>
<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>
</tr>
<tr>
<td>ENF/16/00012</td>
<td>Alleged occupied caravans on this site</td>
<td>Lady Hole Farm Lady Hole Lane Yeldersley Derbyshire DE6 1LR</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<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>
<td>Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/15/00006</td>
<td>Alterations to a Listed Building</td>
<td>Farley Farm Farley Lane Derbyshire DE4 5LR</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td>Application No.</td>
<td>Description</td>
<td>Address</td>
<td>Decision</td>
</tr>
<tr>
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<tr>
<td>ENF/15/00100</td>
<td>Erection of a wooden building for use as a dog grooming salon.</td>
<td>Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/16/00029</td>
<td>Alleged discrepancy on approved plans (application 15/00550/FUL)</td>
<td>Holt Brook House Ladygrove Road Two Dales Derbyshire DE4 2FG</td>
<td>Not in the Public interest to pursue</td>
</tr>
<tr>
<td><strong>Hulland</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/15/00109</td>
<td>Unauthorised caravan and steel frame polly tunnel on Land adjacent to Nether Lane, Biggin by Hulland.</td>
<td>Land To The East Of Innisfree Nether Lane Biggin Ashbourne Derbyshire</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00013</td>
<td>Demolition of outbuilding, The Old Cottage, Main Street, Kirk Ireton - ref 15/00685/DEM</td>
<td>The Old Cottage Main Street Kirk Ireton Derbyshire DE6 3LD</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td>ENF/16/00021</td>
<td>Erection of floodlights on site, without planning permission</td>
<td>Smith Hall Farm Smith Hall Lane Hulland Ward Derbyshire DE6 3ES</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00030</td>
<td>Failure to discharge pre-commencement conditions relating to planning permission 15/00418/FUL - Rebuilding of demolished barn for ancillary residential purposes and associated change of use of land</td>
<td>Upper Barn Sitch Farm Sitch Lane Kirk Ireton Derbyshire DE6 3JY</td>
<td>Complaint Unfounded</td>
</tr>
<tr>
<td><strong>Masson</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ENF/14/00016</td>
<td>Unauthorised Advertisements.</td>
<td>Royal Bank Buildings Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/15/00077</td>
<td>Unauthorised erection of conservatory.</td>
<td>2 Hillcrest Uppertown Lane Bonsall Derbyshire DE4 2AW</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/15/00080</td>
<td>Unauthorised front extension.</td>
<td>36 Ridgewood Drive Cromford Derbyshire DE4 3RJ</td>
<td>Planning Application Received</td>
</tr>
<tr>
<td>ENF/16/00003</td>
<td>Unauthorised banner advertisements.</td>
<td>Princess Victoria Public House 174 - 176 South Parade Matlock Bath Derbyshire DE4 3NR</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<td>ENF/16/00004</td>
<td>Unauthorised advertisements</td>
<td>Masson Mills (Buildings/Facilities Manager) Derby Road Matlock Bath Derbyshire DE4 3PY</td>
<td>Complied Voluntarily</td>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>

**Matlock All Saints**


| ENF/15/00086 | Use of residential premises as a storage facility for HGV, digger and other materials in connection with a paving business. | The Woodlands 61 Wellington Street Matlock Derbyshire DE4 3GS | Complied Voluntarily | 20/01/2016 |
| ENF/16/00019 | Alleged unauthorised removal of trees and terracing | 6 Rockside Mews Wellington Street Matlock Derbyshire DE4 3RW | Complaint Unfounded | 17/02/2016 |

**Matlock St Giles**

| ENF/14/00077 | Unauthorised use of land for the sitting of caravans. | Tansley Wood Mills Lumsdale Road Matlock | Complied Voluntarily | 19/04/2016 |
| ENF/16/00011 | Unauthorised erection of fence over 1 (one) metre in height adjacent to a highway. | 21 Wishing Stone Way Matlock Derbyshire DE4 5LU | Complied Voluntarily | 14/03/2016 |
| ENF/16/00047 | Alleged unauthorised extension to dwelling house and boundary fence obstruction. | 46 Mornington Rise Matlock Derbyshire DE4 3EQ | Complaint Unfounded | 13/05/2016 |

**Norbury**

| ENF/15/00076 | Unauthorised change of use of agricultural land into domestic curtilage. | The Westings Rodsley Lane Yeaveley Derbyshire DE6 2DT | Planning Application Received | 21/01/2016 |
| ENF/16/00008 | Mud on road | Land South Of Somersal Mill Farm Grove Lane Doveridge Derbyshire | Complied Voluntarily | 04/03/2016 |
| ENF/16/00032 | Alleged unauthorised alteration to an existing vehicular access | Mount Farm Marston Common Marston Montgomery Derbyshire DE6 2FH | Complaint Unfounded | 22/03/2016 |

**Stanton**

| ENF/15/00008 | Rebuilding a roadside wall and the use of part of an agricultural building. | 103 Northwood Lane Darley Dale Derbyshire DE4 2HS | Not in the Public interest to pursue | 15/06/2016 |

**Winster And South Darley**

| ENF/15/00066 | Unauthorised wooden storage structure. | Tipsy Cottage 14 Main Road Darley Bridge Derbyshire DE4 2JY | Complied Voluntarily | 15/03/2016 |

**Wirksworth**

<p>| ENF/16/00001 | 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. | 2 Cromford Road Wirksworth Derbyshire DE4 4FH | Complied Voluntarily | 01/03/2016 |
| ENF/16/00036 | Alleged unauthorised extension. | 23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF | Complaint Unfounded | 04/04/2016 |</p>
<table>
<thead>
<tr>
<th>ENF/16/00049</th>
<th>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</th>
<th>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</th>
<th>Complaint Unfounded</th>
<th>21/06/2016</th>
</tr>
</thead>
</table>

**Total Closed Cases** 46
PLANNING COMMITTEE – 12<sup>th</sup> July 2016

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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</thead>
<tbody>
<tr>
<td>Southern</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/00261/FUL</td>
<td>Sturston Hall Farm, Sturston, Ashbourne</td>
<td>WR</td>
<td>Appeals being processed</td>
</tr>
<tr>
<td>15/00262/LBALT</td>
<td>ENF/15/00014</td>
<td>WR</td>
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</tr>
<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00615/FUL</td>
<td>Blackbrook Lodge Caravan &amp; Camping, Intakes Lane, Turnditch</td>
<td>IH</td>
<td>Appeal dismissed – copy appeal decision attached</td>
</tr>
<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00694/FUL</td>
<td>49 St John Street, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed</td>
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<tr>
<td>15/00877/PDA</td>
<td>Land to the east of Innisfree, Nether Lane, Biggin</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00530/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>15/00617/FUL</td>
<td>Brailsford House, Main Road, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00886/OUT</td>
<td>Land east of Derby Road, Doveridge</td>
<td>IH</td>
<td>Appeal being processed</td>
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</table>

Central
<table>
<thead>
<tr>
<th>Ref.</th>
<th>Description</th>
<th>Type</th>
<th>Decision</th>
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<tbody>
<tr>
<td>15/00642/FUL</td>
<td>The Woodyard, Homesford, Whatstandwell</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00054</td>
<td>Rita's Fish Bar, 182 South Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00087/OUT</td>
<td>106 Northwood Lane, Darley Dale</td>
<td>WR</td>
<td>Appeal dismissed – copy of the decision attached</td>
</tr>
<tr>
<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/15/00082</td>
<td>Land off Oakerthorpe Road, Bolehill, Wirksworth</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/16/00002</td>
<td>55 Church Street, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>16/00046/OUT</td>
<td>9 Eversleigh Rise, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00670/FUL</td>
<td>Land (East) off Main Road, near 3 Stags Heads pub, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

WR - Written Representations  
IH - Informal Hearing  
PI – Public Inquiry  
LI - Local Inquiry  
HH - Householder  

**OFFICER RECOMMENDATION:**  
That the report be noted.
Appeal Decision

Hearing held on 10 May 2016
Site visit made on 10 May 2016

by Grahame Kean  B.A. (Hons), PgCert CIPFA, Solicitor HCA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 June 2016

Appell Ref: APP/P1045/W/15/3140709
Blackbrook Lodge Caravan and Camping, Intakes Lane, Turnditch, Derbyshire DE56 2LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Victor Hyland against the decision of Derbyshire Dales District Council.
- The application Ref 15/00615/FUL, dated 19 August 2015, was refused by notice dated 4 November 2015.
- The development proposed is described as retain change use of office/bed and breakfast unit to dwelling for a temporary 3 year period (revised scheme).

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal seeks to retain development already carried out, namely the use of two linked cabins as a dwelling, for a temporary period of three years.

3. In its statement the Council accepted that the cabin had been in situ for more than four years but questioned whether it was a building for the purposes of the Town and Country Planning Act 1990. Following my site inspection and before close of the hearing both parties agreed that the cabins constituted a building. Having regard to their size, permanence and physical attachment to the land, I see no reason to disagree. The units rest on their own weight on a concrete base that was laid down for this purpose when they were brought onto the land and erected over 10 years ago. The resulting change to the physical characteristics of the land is sufficient in my view, taken with the other factors of size and permanence to conclude as a matter of fact and degree that the structure is a building. This does not affect my consideration of the proposal which is based on the submitted evidence and observations on site.

Main Issue

4. The main issue is whether there is an essential functional need for a person to be permanently resident on site to manage the caravan and camping site.
Reasons

Background and Policy Context

5. The appeal site is a camping and caravan site to the east of a residential property, Blackbrook Lodge. This property was previously in the same ownership as the appeal site, used as the appellant’s residence and a bed and breakfast with facilities for 5 touring caravans and some camping pitches.

6. The appellant sold Blackbrook Lodge which is now a private residence, and moved into the cabins in October 2014. I was told that he is the sole resident although his partner with whom he manages the site jointly, lives nearby and stays occasionally. The cabin units are of timber construction, bolted together. One unit is 3.7m x 7.3m and comprises a kitchen/dining room and a living room, also used as a reception/office for the caravan and camping site. The other unit is 4.1m x 6.7m comprising a bedroom and en-suite bathroom.

7. The appeal site is in open countryside to the south of a Scheduled Ancient Monument, Ravensdale Deer Park. The cabins lie in the centre of the site, hidden from public view. The nearest settlement is Turnditch, a mile away, having a convenience store, post office, two public houses, a village hall, school and a church. The settlements of Belper and Ashbourne, 6-7 miles away, offer a fuller range of facilities. Belper is the focus of several tourist attractions.

8. From the submitted evidence including the distance of the site from available local services, it is reasonable to infer that the appellant would rely mainly on the private car. Therefore, despite the absence of visual harm in relation to the area including the deer park, and the existence of a few properties sited sporadically along the lane, the proposal would create an isolated dwelling in the countryside.

9. The sole reason for refusal of the proposal given by the Council relates to the National Planning Policy Framework (Framework), Paragraph 55. This aims to protect the countryside from inappropriate development: housing should be located where it would enhance or maintain the vitality of rural communities. Isolated new homes in the countryside should be avoided unless they can be justified by special circumstances, such as an essential need for a rural worker to live permanently at or near their place of work in the countryside.

10. It was common ground between the parties that Policies H4 and H5 of the Derbyshire Dales Local Plan (LP) should be accorded little weight given that the Council currently is unable to demonstrate a 5 year supply of deliverable housing land. I would concur. LP Policy SF4 strictly controls development in the countryside, only permitting it where, among other matters it would serve essential requirements of agriculture, forestry and outdoor sport or recreation, or assists the growth of tourism. Although this wording is not wholly consistent with the wider range of rural development envisaged in the Framework, the importance of tourism to the local economy is a relevant factor to consider.

11. An essential need implies in my view a functional test. It would also follow that if an essential need for a new dwelling exists, it would be relevant to consider whether other accommodation nearby is available. The Framework encourages economic growth that is sustainable (Paragraphs 17 and 28), so it is also appropriate to consider the extent to which the enterprise is a sound business and has financial prospects.
Essential need and viability of business

12. The main arguments in favour of a 24 hour presence on site are related to security concerns and customer welfare. Reference was made to a valuable caravan being stolen from the site and consequent damage to other property, as well an incident of anti-social behaviour which led to the persons involved being asked to leave the site. I acknowledge the seriousness of such incidents but they appear to be isolated and would not in themselves amount to sufficient justification for a dwelling on site.

13. Although 24-hour cover was said to be required by the appellant’s insurance company, the exact terms stipulated were unclear. There are several CCTV cameras on the site which the appellant accepted can be remotely operated. The Council’s planning officer suggested that from his experience of similar uses, other larger scale businesses operated with an on-site presence in normal working hours only with someone living nearby. It was also argued that by the use of barriers and security codes access could be gained outside office hours, with contact details of the site operator being available for users.

14. Customers generally arrive on site between 0700 and 0900 and leave between 2100 and 2200. The latest that someone has arrived unannounced has been 2230. In addition it was said that someone needs to be on hand to clear blocked toilets, and to reset the fuse box which crashes when incompatible devices are plugged into the system. It seems to me that the majority of the necessary surveillance and supervision is a matter of everyday management for which a permanent on-site presence may be more convenient but not essential. Additional visitors may have increased work levels but by and large this is work done during the working day, albeit one that is relatively long. I sympathise with the occasional emergencies and security issues that have arisen but these have not caused such fundamental problems to prevent the business developing successfully.

15. A letter from the appellant’s accountants contained a forecast of income based on the current trend of bookings for half of the current 30 pitches. It is not disputed that the business may be financially sustainable, however the income projected for the forthcoming year is due to a rise in visitor numbers which suggests a need for additional day time/evening staff to help with tasks during what is a long working day, rather than for staff to be on site during the night.1

16. It was also said that to employ additional staff on a shift basis through the night would not currently be a viable option. This position is based on an unsupported estimate provided at the hearing, of costs of £700/week. This seems somewhat high but in view of the increase in estimated income, conservatively estimated at 50% of capacity, I am not in any event convinced that some arrangements for night-time cover could not be made if it were considered expedient to do so.

17. I note the plans for improving the site since planning permission was granted in 2014 for an increase in pitches from 5 to 30. These include the creation of more hard standing pitches for motor homes and winter use. There is no dispute that the enterprise provides a valuable facility that supports the tourist industry in the locality and the appellant is committed to ensuring its success,

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1The accountant’s letter also stated a need for a full time on-site presence due among other matters to health and safety requirements. However no further information was provided so I treat that assertion with caution.
however the lack of a resident manager in the current circumstances, would be unlikely on the evidence, to make the business unviable.

Conclusions

18. On the main issue I conclude that the requirement in the Framework for special circumstances to support the proposal is not proven as the evidence does not disclose a need for a dwelling on the site that is essential to the functioning of the business. In the absence of an essential requirement there is no need to conclude as to whether suitable alternative accommodation is available.

19. The harm from the development due to its isolated location in the countryside would be substantial and contrary to the Framework, Paragraph 55. Such harm would not be outweighed by the policy support given in the Framework and the development plan to rural tourism. Nor would it be outweighed by the undoubted advantages of a more convenient and efficient enterprise with the resulting benefits to the wider community.

Other Matters

20. The appellant would be willing to accept a condition that the cabin can only be occupied as a residence by an on-site manager. I also recognise that the appellant is not seeking to erect a new permanent dwelling on the site but to make use of an existing structure for a temporary period of 3 years. However these considerations do not overcome the fact that, as I have found, the essential need for a full time on-site presence is not made out. There is no dispute that the cabins might continue to be used for purposes ancillary to the appeal site, namely as an administrative office and reception area.

Overall Conclusion

21. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean
INSPECTOR
APPEARANCES

FOR THE APPELLANT:
Mrs Dudley  Zenith Planning and Design
Mr Victor Hyland  Appellant

FOR THE LOCAL PLANNING AUTHORITY:
Mr Chris Whitmore  Area Planning Officer, Derbyshire Dales District Council

ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING
1. Site Plan 1:2500 annotated to clarify extent of land outside the application site.
2. Plan submitted with application for change of use to caravan and camping site.
 Appeal Decision

Site visit made on 24 May 2016

by A J Mageean  BA (Hons) BPI PhD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 June 2016

Appeal Ref: APP/P1045/W/16/3146865
Land to the rear of 49 St John Street, Ashbourne DE6 1GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Wallwork against the decision of Derbyshire Dales District Council.
- The application Ref 15/00694/FUL, dated 23 September 2015, was refused by notice dated 18 November 2015.
- The development proposed is construction of a new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

   1) The effect of the proposed development on the setting of 49 St John Street, a Grade II Listed Building, and adjacent listed buildings; and,

   2) Whether the proposed development would preserve or enhance the character or appearance of the Ashbourne Conservation Area.

Reasons

Background

3. The appeal site is the rear portion of the plot associated with No 49 St John Street which is located close to the centre of Ashbourne and within the Conservation Area which covers the town centre. This property is one of a group of three storey terraced buildings fronting onto the north west side of St John Street. No 49 itself is a Grade II Listed Building which forms a group with No 45-51 St John Street. These properties are sited on long narrow plots. The plot associated with No 49 has a narrower width than others on this row, particularly where it adjoins the rear of the building, though it widens slightly towards the rear of the plot. It also narrows at the point of access from Hall Lane gained through the adjacent plot of No 51 which has been converted into a small car park. The garden of No 49 is reached by steps up from this car park. There is also pedestrian access onto Hall Lane from the rear of the plot. There is a significant height difference between the front and rear of the plot, with the land rising from the south east to the north west.
4. The proposed development would place a compact, single storey two bedroomed dwelling on the rear, higher level, portion of this plot. This would replace existing outbuildings and would be on two levels: the first ‘living level’ reached from steps up from the existing car park and the second ‘sleeping level’ towards the rear of the plot reached by steps within the dwelling. The dwelling would be cut into the existing ground level so that it could be covered by a single roof plane. The building would have green planted sedum roof and external materials would be a range of brick, timber and glazing. This would include the replacement of the existing concrete block boundary treatment with brick at the point that the proposed dwelling would adjoin the boundary with No 51. A timber clad wall would face the existing car park. The south elevation which would be visible from Hall Lane would be largely glazed, and there would be high level windows on both the west and east elevations.

5. The appellants have presented research in support of their application which questions the Council’s assumptions about the history of the appeal site and surrounding area. In particular the reference in the Conservation Area Appraisal 2008 (CAA) to the appeal site being part of a medieval burgage plot is challenged with reference to detailed analysis of historic map records. This research also challenges the construction date of the building fronting this plot, No 49 St John Street, which is indicated on the list description as being Late 18th Century. The evidence presented appears to demonstrate that No 49 as it is known today was not in existence in 1849, though it does appear in later maps, and on this basis it is considered to be a Victorian rather than Georgian building.

6. The Council have noted these challenges but have not sought to present an alternative view. Nonetheless, the parties agree that this plot is part of the pattern of long narrow plots fronted by substantial town houses, listed for their group value, which are characteristic of this area.

Listed Buildings

7. As noted above, No 49 is a Grade II Listed Building which forms a group with No 45-51 St John Street. These three storey town houses have formal frontages onto St John Street with more modest appearances to their rear. Their rear garden areas are relatively quiet, green and peaceful areas, characterised by a variety of boundary treatments, mature vegetation and some outbuildings. It has been noted that there have been substantial alterations to the plot associated with No 51 which has been modified to create the shared car park with No 49.

8. Whilst noting some modifications to plot boundaries and also the presence of outbuildings, including garages, these town houses are still complemented by the contrasting environment of their rear garden areas. This provides welcome relief from the built up frontage of St John Street. As such, placing a dwelling, even at a modest scale, would introduce additional built form and activity into this area which would be at odds with this character and would appear out of place. Further, whilst I acknowledge that this building has been designed to appear discrete and would sit below the eaves level of the existing building, its modern appearance, particularly the extent of glazing proposed on the southern most visible elevation, would contrast with the robust appearance of buildings in this area.
9. I accept that the current scheme follows a period of time in which the appellants have engaged with the Council to discuss options for this site and that some pre-application concerns have been addressed. As a result the current proposal represents the amendment of earlier proposals. The dwelling has also been designed to appear ‘lightweight’ through the use of glazing in the most visible parts of the building and it would be sunk into the ground so that it would appear subservient to the main house. It is also clear that there would be limited visibility of this property from neighbouring properties. However, whilst this proposal is clearly a more modest less visible proposal than earlier versions it is nonetheless an inappropriate form of development in this location.

10. I also note the appellants’ reference to the presence of ancillary buildings on the rear of these plots. I accept that some large garage buildings are present in this area. I also note reference to an expired approval for a dwelling at the rear of No 47. However, I do not have the details of this case before me. Having regard to the particular circumstances of the present proposal I have found that a primary dwelling would be inappropriate in this location.

11. It is clear that the appeal site is not currently land locked, though the addition of the car park to the side of this plot is relatively recent. I also accept that no alterations would be required to the existing parking or garden arrangements to accommodate this proposal and that a boundary separating the proposed dwelling from the existing house would not be required. However, it does not follow that placing a dwelling in this location is acceptable or appropriate as such a development would fundamentally alter the pattern of development in this area.

12. Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

13. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. The more important the asset, the greater the weight that should be given to its conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development in its setting. Paragraph 134 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

14. As this scheme would be of a reasonably modest scale I consider that development in this location would lead to harm to the setting of No 49 and adjacent Listed Buildings, but that this harm would be less than substantial. On this issue I therefore conclude that the proposal would have a detrimental effect on the setting of 49 St John Street, a Grade II Listed Building, and adjacent listed buildings. It would therefore not comply with the saved policies of the Derbyshire Dales Local Plan 2005 (the Local Plan) which at Policy NBE16 states that permission for development affecting the setting of a Listed Building will only be granted where it does not have an adverse effect on its special character or setting.
Conservation Area

15. The Ashbourne Conservation Area focuses on the Town Centre and is characterised by tightly packed three storey properties of various styles lining the main streets. The long narrow plots which are present in much of this area are a result of historic development patterns and are an important part of the settlement structure. The CAA identifies Hall Lane as forming the eastern boundary of the conservation area, noting that: “The lane is a pleasant tree/shrub lined lane bounded by walls to each side ... The view is focused along the lane by the enclosed walls and overhanging vegetation... This area has a more sub-urban character and the hustle and bustle of the town is left behind”.

16. This part of the Conservation Area, from which the garden area of No 49 is visible, comprises the rear plot areas which contrast with the intensity of built form and activity along the main plot frontages. Placing a dwelling in this location, even of discrete design and modest size, would contrast with the largely undeveloped nature of this area. It would introduce additional activity and built form which would lead to an erosion of this character.

17. The appellant has produced illustrations of the views of the development from Hall Lane which indicates that whilst visibility of the scheme in views when travelling south east would be limited, it would nonetheless be clearly seen when moving north west. Whilst I accept that this proposal would lead to some improvement in the appearance of the boundary between No 49 and No 51, a building of this character in this location would appear as an alien addition to what is currently garden space.

18. The appellants state that a key feature of the wider conservation area is the presence of small, interesting houses tucked away with only pedestrian access. Whilst this might be appropriate in some locations, it is clear that the established character of this part of the Conservation Area behind the main St John Street frontage is of a less intense nature and so such a development would appear out of place. Its modern appearance would exacerbate this concern.

19. Section 72 (1) of the Act refers to any building or other land in a conservation area and requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In exercising this duty the effect of development on the character or appearance of the conservation area must be assessed in terms of the impact on the significance of this area. If less than substantial harm is found then, in accordance with the Framework at paragraph 134, this harm must be weighed against any public benefit of the proposal.

20. As the visibility of this scheme from the public realm would be somewhat limited, I consider that development in this location would lead to less than substantial harm to the character and appearance of the Conservation Area. Nonetheless, I conclude on this matter that the proposed development would not preserve or enhance the character or appearance of the Ashbourne Conservation Area. As such it would not comply with the Local Plan Policies SF1, SF5, H9 and NBE21 which require new development to preserve or enhance the character and appearance of the surrounding area and reinforce the sense of place.
Other Matters

21. The Council has indicated that it is unable to demonstrate a five year supply of housing land. In such circumstances, in accordance with paragraph 14 of the Framework, planning permission should be granted unless specific policies in the Framework indicate that development should be restricted. Such policies include those relating to designated heritage assets. Therefore, the fact that this proposal would deliver a dwelling in a sustainable area does not overcome the harm to designated heritage assets to which I must attach considerable weight.

22. I also note that the appellants make reference to the proposed dwelling being a self-build project. Whilst this is to be commended, in the absence of a planning obligation, or some such other secure delivery mechanism, there is no means by which such a project could be secured. I therefore afford this matter limited weight.

Conclusion

23. I have found that the proposed development would have a detrimental effect on both the setting of No 49 St John Street, and adjacent Listed Buildings, and the character and appearance of the Ashbourne Conservation Area. In both of these matters I have found there to be less than substantial harm. As such, I have considered this harm against the public benefits of the proposal identified by the appellants which includes the provision of a unit of accommodation in a sustainable location, the replacement of an incongruous boundary wall feature and the provision of high quality architecture. However, whilst I recognise some public benefit, this is not sufficient to offset the harm identified to which I must attach considerable weight.

24. For the above reasons, taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Mageean
INSPECTOR
Appeal Decision

Site visit made on 3 May 2016

by Rachel Walmsley BSc MSc MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2016

Appeal Ref: APP/P1045/W/16/3144969
106 Northwood Lane, Darley Dale, Derbyshire DE4 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Steve Mead against the decision of Derbyshire Dales District Council.
- The application Ref 15/00087/OUT, dated 12 February 2015, was refused by notice dated 16 December 2015.
- The development proposed is a single residential dwelling on land to the rear of 106 Northwood Lane.

Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with access, layout and scale to be determined at this stage. I have dealt with the appeal on this basis.

3. The Council, in its statement of case, confirmed that a 5 year supply of housing land cannot be demonstrated. I have dealt with the appeal on the basis that a 5 year supply does not exist.

4. Planning application Ref 14/00102/OUT was the subject of an appeal Ref: APP/P1045/A/14/2226244. Whilst the principle of a residential dwelling on the site was accepted, the Inspector raised concerns for highway safety and for the impact of the development on the living conditions of No 110 Northwood Lane.

5. Planning application 15/00087/OUT was submitted subsequently to address the concerns for the appeal. Whilst the Council were satisfied that the proposal would not result in highway safety issues, it maintained the view that intensification in use of the access would be harmful to the living conditions of the occupiers of No 110. It is this matter which is the subject of this appeal.

Main Issue

6. The main issue raised by this appeal is the effect of the development on the living conditions of the occupiers of No 110 Northwood Lane, with particular regard to noise and disturbance and overlooking.
Reasons

Living conditions

7. The proposed development, for a single dwelling would use an existing access, off Northwood Lane. The existing access is currently used by properties No 106, No 108 and No 110 Northwood Lane. The access runs alongside the main dwelling and garden of No 110.

8. The new dwelling would replace an existing parking area used by No 106. Consequently replacement parking would be provided closer to the main dwelling and accessed directly off Northwood Lane.

9. The appellant has indicated that the unilateral undertaking before me, which proposed to rescind the use No 106 currently has of the access before me, is not for consideration. Notwithstanding this, the proposed dwelling would occupy the area currently used by No 106 for parking. Together with the replacement parking area proposed, it is unlikely that No 106 would need to continue use the existing access. Furthermore, if the proposed layout plan was approved, any subsequent changes to it to allow No 106 to use the access would require planning permission and therefore would be before the Council for consideration. I am satisfied, therefore, that the access would be used by No 108, No 110 and the occupiers of the new dwelling.

10. The new dwelling would be serviced from the access road and not the public highway. Service, delivery and visitor vehicles therefore would use the access road which would intensify its use compared with the vehicle movements associated with one parking space and the nearby houses. This would add traffic to the lane, as highlighted by the Inspector deciding appeal Ref APP/P1045/A/14/2226244.

11. It was apparent from my site visit that there are windows in the side elevation of No 110 which are located immediately adjacent to the access road and serve a kitchen/dining room. The intensification in use would result in higher levels of noise and disturbance from passing vehicles compared with that associated with the current parking and access arrangements. Given the proximity of the kitchen/dining room to the junction with Northwood Lane, it is likely that vehicles would accelerate and de-accelerate at the junction, exacerbating the noise and disturbance. This in turn would have a detrimental effect on the living conditions of No 110. This would be contrary to Policy H9 of the Derbyshire Dales Local Plan which seeks to ensure that development relates well to surrounding properties and does not have an adverse impact on the amenity of adjoining or adjacent properties.

12. The Council has also raised concern that it may be possible to look into the windows to No 110 from passing vehicles. The height of the window to the end gable of No 110 would equal the height of a passenger in a passing vehicle. However, I consider that the degree of overlooking from a moving vehicle would be less than for a pedestrian and therefore the weight I give to the concern for overlooking is limited.

13. In turning to the National Planning Policy Framework (the Framework), the third bullet of Paragraph 32 states that development should only be prevented

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1 Derbyshire Dales Local Plan (Adopted November 2005)
or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the impact of the development would not be severe, I am required to consider Paragraph 14 as the Council does not have any up-to-date housing supply policies.

14. Paragraph 14, together with Paragraph 123 of the Framework suggest that where planning policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

15. The development would have the benefit of one dwelling to help meet the Council’s need for housing. This is, however, a limited positive benefit, particularly given that the proposal would be for one house. Balanced against this is the harm identified to the neighbour’s living conditions.

16. I have found that the intensification in use of the access road would cause undue harm. Given the limited positive benefits identified, this harm would significantly and demonstrably outweigh the benefits.

17. I have considered the use of conditions to mitigate the adverse impact of the development however no such condition would mitigate the effect of passing vehicles. In all, therefore, I find that the development would be harmful and contrary to the development plan and the Framework.

Other considerations

18. In 1994 planning permission was granted for an extension to No 106 which included a garage and turning area. By virtue of the garage existing on site I am confident that the permission has been implemented. The permission therefore remains implementable and represents a fall-back position which is a relevant consideration within this appeal and one which I can give weight to.

19. The 1994 permission included space for a garage and access. Notwithstanding the appellant’s view that the permission provided for five vehicles to park, the planning permission and associated drawings do not confirm this.

20. Nevertheless, any parking associated with the 1994 permission would serve No 106 and therefore would relate solely to the activities associated with this dwelling. Furthermore, given the position of No 106 to Northwood Lane, it is reasonable to surmise that service and delivery vehicles would serve the house from the highway and not the access road.

21. In contrast, the servicing and deliveries for the new dwelling would use the access road. Combined with the vehicular movements associated with the house and No’s 108 and 110, this intensification of use would cause undue harm to the living conditions of the occupiers of No 110. The extant permission, therefore, would be less harmful than the current proposal and therefore the fall-back position does not support the present appeal.

Other matters

22. My attention is drawn to the Noise Policy Statement for England. Whilst I recognise its aim to avoid significant adverse effects on health and quality of life, it does so within the context of sustainable development. I have found

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2 Noise Policy Statement for England (March 2010) DEFRA
that, in taking into account sustainable development and Paragraph 14 of the Framework, the proposed development would be unacceptable.

23. I recognise that the Planning Officer may not have considered the impact of the proposal on the living conditions of the occupiers of No 110 to be a material concern when they recommended their decision to the Planning Committee. However, this concern was raised in an earlier appeal and forms the Council’s reason for refusal for the current planning application. It is therefore a matter which is before me for consideration.

24. I am aware of changes in the approach to housing design, not least the idea of vehicles and dwellings sharing space. I also note the examples of precedent submitted by the appellant showing an intensification of use and proximity to living spaces. Without the background and wider visual context to each of these sites I am unable to comment on these proposals in detail or discuss their appropriateness. Nevertheless, whilst there may be cases where vehicles and living space are close to one another, in this case I have found there would be significant harm.

Conclusion

25. I have found that the proposal would be harmful to the living conditions of the occupiers of No 110 Northwood Lane, with particular regard to noise and disturbance, and to a lesser degree overlooking. As a result I have found that the proposal would conflict with the development plan and with the Framework. On this basis and for the reasons set out above, the appeal is dismissed.

R Walmsley
Inspector
BACKGROUND PAPERS

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

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

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

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