8 February 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 16 February 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS

The Committee is advised a coach will leave the Town Hall at 1:30pm 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 MEETINGS

Planning Committee – 19 January 2016

3. INTERESTS

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

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

PUBLIC PARTICIPATION

To provide members of the public **WHO HAVE GIVEN PRIOR NOTICE** (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their 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.

4.1 **APPLICATION NO. 15/00671/FUL (Site Visit)**
   Installation of solar panels at Liz’s Cottage, Main Street, Kniveton.

4.2 **APPLICATION NO. 15/00842/FUL (Site Visit)**
   Erection of two dwellings at the Old Cottage, Main Street, Kirk Ireton DE6 3LD.

4.3 **APPLICATION NO. 15/00782/FUL (Site Visit)**
   Erection of dwelling at land adjoining Elmcroft, Derby Road, Cromford.

4.4 **APPLICATION NO. 15/00814/OUT (Site Visit)**
   Residential development of up to 57 dwellings (Outline) on land adjacent to Bakewell Road, Matlock.

4.5 **APPLICATION NO. 15/00846/OUT (Site Visit)**
   Residential development of up to 41 dwellings and access (Outline) at Stancliffe Hall, Whitworth Road, Darley Dale.

4.6 **APPLICATION NO. 15/00656/FUL (Site Visit)**
   Erection of detached dwelling and garage on land between 18 and 20 Old Hackney Lane, Hackney.

4.7 **APPLICATION NO. 15/00717/FUL (Site Visit)**
   Demolition of redundant poultry sheds and erection of two business agricultural buildings, retention of retaining wall and alterations to parking area/access (part retrospective) at Ameycroft Farm, Bowler Lane, Farley, Matlock.

4.8 **APPLICATION NO. 15/00299/FUL**
   Partial change of use of agricultural storage building to boarding kennels and associated building operations and car parking area at Honeysuckle Farm, Shirley Lane, Rodsley.

5 **APPEALS PROGRESS REPORT**

To note a report on appeals to the Planning Inspectorate.
NOTE
For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

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, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack, Andrew Statham and Jo Wild.

Substitute Members
Deborah Botham, Jennifer Bower, Richard Bright, Martin Burfoot, Phil Chell, Ann Elliott, Chris Furness, Alyson Hill, Angus Jenkins, Vicky Massey, Jean Monks, Joyce Pawley, Mark Salt, Andrew Shirley, Jacquie Stevens, John Tibenham.

SITE VISITS
Members will leave the Town Hall, Matlock at 1:30pm prompt for the following site visits:

1.50pm Application No. 15/00671/FUL
LIZ’S COTTAGE, KNIVETON

Requested by Officers to allow Members to assess the impact of the installation on the local environment.

2.15pm Application No.  15/00842/FUL
THE OLD COTTAGE, MAIN STREET, KIRK IRETON

Requested by Officers to allow Members to fully appreciate the impact of the development upon the character and appearance of the Conservation Area and upon the amenity of neighbouring properties.

2.50pm Application No.  15/00782/FUL
LAND ADJOINING ELMCROFT, DERBY ROAD, CROMFORD

Requested by Ward Members for transparency and to allow Members to fully appreciate and understand the impacts of the scheme upon heritage assets.

3.20pm Application No.  15/00814/OUT
LAND ADJOINING BAKEWELL ROAD

Requested by Officers to allow Members to fully appreciate the impact of the development particularly in terms of landscape character.
3.50pm Application No. 15/00846/OUT
STANCLIFFE HALL

Requested by Officers to allow Members to fully appreciate the impact of the development particularly in terms of heritage assets.

4.20pm Application No. 15/00656/FUL
LAND BETWEEN 18 AND 20 OLD HACKNEY LANE

Requested by Ward Members to allow Members to assess the impact of the proposed development on the street scene and the appearance of the area.

4.40pm Application No. 15/00717/FUL
AMEYCROFT FARM, BOWLER LANE, FARLEY

Requested by Officers to assess the impact of the development upon the character and appearance of the area and the amenity of local residents.

5.00pm RETURN TO THE TOWN HALL

COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the 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.
15/00671/FUL

Liz's Cottage, Main Street, Kniveton

Derbyshire Dales DC

Date: 02/02/2016

100019785

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Derbyshire Dales District Council
town Hall, Bank Road, Matlock, Derbyshire DE4 3NN
Telephone: (01629) 761130
website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The application site comprises one of a series of barn conversion dwellings located off Main Street within the centre of Kniveton village, opposite the village hall and primary school. The application relates specifically to the south west facing roof plane of the dwelling known as Liz’s Cottage, which sits closest to Main Street.

The building sits within Kniveton Conservation Area.

THE APPLICATION:
Planning permission is sought to install 16 full black Zorro SV60 250Wp monocrystalline silicon solar panels on the south west facing roof plane. The panels will be centrally positioned on the roof plane and wrap around two existing rooflights. At the bottom of the roof slope will be a row of 9 panels. Above this 7 further panels are proposed.

RELEVANT HISTORY:
0486/0272 Conversion of barns to 3 dwellings – Granted but with permitted development rights for extensions or alterations removed by condition

CONSULTATIONS:
Local Highway Authority:
No comments sought.

Parish Council:
No objections.

Conservation Advisory Forum:
- CAF acknowledged that the solar panels required permission as permitted development rights had been removed from the barn conversion. The removal of such rights was imposed to protect the character and appearance of the converted farm buildings.
- CAF noted that the property formed one of three attached barn conversions that, whilst having a number of rooflights, the conversion was relatively sensitive and sympathetic to their character and appearance. CAF noted that the building in question was particularly prominent in this part of the village.
- Notwithstanding the fact that all-black solar panels were being proposed, CAF noted that the proposed pattern of the array of panels on the roof slope was awkwardly placed giving the layout undue visible prominence.
- CAF noted that in regard to historic buildings part of their character and appearance is the texture and visible contribution of their roof/roof covering.
- In conclusion, CAF considered that the array of solar panels as proposed would be harmful to the character and appearance of the building, the holistic group of converted farm buildings and this part of the Conservation Area. They further concluded that the proposal would not be deemed to be an enhancement of the Conservation Area and raised concerns regarding the potential cumulative impact of such development (the property being part of a cohesive group or row).
REPRESENTATIONS:
None.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development within the Countryside
   SF5: Design and Appearance of Development
   NBE21: Development Affecting a Conservation Area
   CS5: Renewable Energy Installations

Other:

ISSUES:
1. The main issues to consider in respect of this application are whether the installation would a) have a detrimental impact on the character and appearance of the barn conversion dwelling and its surroundings and b) whether the benefits of the solar panel installation (in terms of renewable energy production) would outweigh any adverse impact on the immediate and wider environment including the character and appearance of this part of Kniveton Conservation Area.

2. Policy SF5 of the Adopted Local Plan aligns with guidance contained within the National Planning Policy Framework in respect of design and requires development to preserve or enhance the quality and distinctiveness of its surroundings and to reinforce the sense of place engendered by the presence of distinctive local building styles and materials. Policy CS5 of the adopted local plan is considered to be broadly consistent with the thrust of current government policy on renewable energy installations in recognising the benefits whilst also recognising the need to balance this against the environmental impacts. The application property is located within Kniveton Conservation Area, a designated heritage asset. Policy NBE21 ‘Development Affecting a Conservation Area’ aligns with guidance contained at Part 12 of the National Planning Policy Framework (NPPF) and requires development to either preserve or enhance the character and appearance of a Conservation Area.

3. Often within Conservation Areas solar panels on domestic buildings do not require planning permission as Part 14, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the installation of PV panels on domestic buildings in conservation areas, provided they do not protrude more than 0.2m beyond the plane of or exceed the highest part of the existing roof. There is, however, a requirement for panels to be sited, so far as practicable, to minimise their effect on the external appearance of a building and the amenity of the area. However, the panels need permission in this case as the right to make any material alteration to the building was removed by condition when planning permission was granted to convert the buildings to 3 no. dwellings in the mid 80s. The reason for the condition was to preserve the character and layout of the buildings.
4. With the exception of a small porch extension which projects beyond the buildings south west facing elevation and the insertion of rooflights, much of the original agricultural character and appearance of the building has been retained through conversion. Being sited at the north western end of the group, opposite the Main Street and Longrose Lane road junction, the south western aspect of the building is highly visible from public view. Despite the recessive finish, it is considered that the arrangement of the panels and the proportion of the roof plane they would cover is such that they would be a prominent and incongruous feature of the building. The District Councils ‘Conversion of Farm Buildings Supplementary Design Guidance’ (2005) advises that the simple configuration and juxtaposition of roofs is an important and characteristic element of former farm buildings. Although the existing roof is interrupted by rooflights, the addition of 16 solar panels would further clutter the appearance of this visually prominent element of the building, resulting in significant harm to its character and appearance and, as a consequence, would fail to preserve or enhance the character and appearance of this part of Kniveton Conservation Area in which the building comprises an important component part. This harm to the buildings character and local environment would outweigh the benefits of the installation in terms of micro-generation production in this case and it is recommended that the application be refused on this basis.

OFFICER RECOMMENDATION:
That Planning Permission be refused for the following reason:

1. The scale of the installation and the siting and arrangement of the panels on the south west facing roof plane would clutter the appearance of this visually prominent element of the building, resulting in significant harm to its character and appearance. This harm to the buildings character and appearance would neither preserve nor enhance the character and appearance of this part of Kniveton Conservation Area and outweigh the benefits of the installation in terms of micro-generation production in this case contrary to the aims of Policies SF5, NBE21 and CS5 of the Adopted Derbyshire Dales Local Plan (2005), guidance contained within National Planning Policy Framework (2012) and the District Councils Conversion of Farm Buildings Design Guidance Supplementary Planning Document (2005).

Footnote:

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

This Decision Notice relates to the following documents:
1:1250 and 1:500 Scale Site Location Plans;
Supporting Aerial Photographs, and;
1:100 Scale Existing and Proposed Front Elevation Drawing received by the District Council on the 17th November 2015.
15/00842/FUL

The Old Cottage, Main Street, Kirk Ireton

Derbyshire Dales DC

Date: 02/02/2016

100019785

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

THE APPLICATION:
Planning permission is sought to erect two dwellings, each of two storeys in height within the garden land to the south of the site. It is intended that access to the site will be gained to the east of the existing dwelling. This 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.

Through the application process the design and siting of the dwellings has been slightly amended. The proposed development is now as follows: -

An access driveway would be created to the east of the Old Cottage leading to the rear of the garden where a turning head would be provided. Each ‘L’ shaped dwelling would then front this courtyard area. Each dwelling would have a two storey elevation to the north with a one and a half storey element to the south with projecting car port facing into the courtyard area. The lower height element of the dwelling would be to the south to reduce impact on neighbouring properties.

Upper level windows to the southern, northern and eastern elevations of plot B (to the east) are to be kept to a minimum, with obscure glazing to the only upper floor window, roof lights are proposed to give light into the upper rooms. Window to window, plot B would be 9.9m away from the dwelling to the south.

Plot A would be a mirror image of plot B. Both properties are three bedroom properties, of stone construction with chimneys, mullion windows and clay tiles to the roof.

RELEVANT HISTORY:
15/00685/DEM Demolition Prior Notification - demolition of outbuilding – Prior approval not required.

CONSULTATIONS:
Local Highway Authority –
To meet current design criteria the width of the access serving two dwellings should be 4.25m for at least 5m behind the highway boundary. If bounded by a hedge or other treatment additional width should be provided, in this case 1m as shown on the approved drawings.
Parking is acceptable and the shared facility appears suitable. Consultation with the relevant refuse collection service will be required. The Highway Authority has no objections subject to conditions.

Conservation Advisory Forum –
- Considered the proposals in detail. Noted the contribution of the existing stone outbuilding but recognised that it was of a volume which allowed it to be removed without the need for approval.
- Discussed the merits and contribution of the existing rear garden-space to the cottage as a remainder of the historic rear plots and gardens to the houses/buildings lining the village street. In providing and contributing to an open space/area to the rear of the street frontage properties the CAF considered that, ideally, this should be retained as this historic open space, and the contribution it makes to the special character and appearance of the Conservation Area.
- Concluded that ideally this back land should not be developed, however, if the LPA were minded to approve development on this site the following comments were made on the proposed development:
  - The general orientation of the two properties primarily present end-gables to views/vistas from the main street. This would, to some degree, lessen their impact on street scene.
  - The concept of the ‘L’ shaped footprint creating a courtyard effect was considered acceptable, however, CAF felt that the two properties should be joined by a continuous roof (between the ‘carports’) or a high stone wall to negate the sense of detachment.
  - CAF considered that the timber-framing elements to the carports were inappropriate in this location/context and in terms of the character and appearance of the Conservation Area. CAF recognised that the concept was to make the supports as visually lightweight as possible but suggested a stone gable wall to the carport ends and metal stanchions to provide intermediate support.
  - CAF considered that the access way to the properties should be clearly contained and considered stone walling would provide such containment.
  - CAF noted that the properties were to be constructed from natural stone. It would be important to ensure that the correct type, finish, coursing of stone etc. was approved in this regard.
- CAF concluded that it was regrettable to develop the current open space/garden to this part of the Conservation Area, however, if approved, amendments to the scheme, as suggested, should be considered.

Parish Council –
Concerns expressed about impact on neighbouring trees.
The site does not allow for visitor parking thereby increasing pressure on the already overcrowded Main Street and village car park.
The access to the site is very narrow, visibility is poor. There is often a car parked in front of the garage to the left of the access which has not been taken into consideration as part of the application.
Concerned about the proximity to other properties, in terms of privacy and overlooking.
Land Drainage Authority -
Introduction of new impermeable surfaces should be limited where possible. Where it is unavoidable a detailed Sustainable Drainage System should be incorporated within the design of a drainage strategy for the development. Surface water drainage should be designed in line with non-statutory technical standards for SuDs (March 2015).
A full ground investigation should be carried out before designing the site surface water drainage to fully explore the possibility of ground infiltration in preference to discharging to water body or public sewer. The applicant should investigate the potential for hidden watercourses prior to works commencing.
Specific ground investigation should be undertaken to ascertain the water conditions on the proposed development site and any increased risks associated with groundwater.
It should be confirmed prior to the granting of planning approval which organisation will be responsible for the long term maintenance of drainage systems once the development is complete.

REPRESENTATIONS:
Nineteen letters of representation received from eight parties, the key points of which are summarised:

Appearance
The development will harm the trees in my garden due to the proximity of the dwellings. It should be noted that trees in a conservation area are subject to protection.
The buildings should be moved 2.5m further away from these trees.
Development would feel extremely cramped and detrimental to Kirk Ireton Conservation Area.
Does not respect local conservation and street pattern or the scale and proportions of surrounding buildings.
Over development of the site loss of valuable green space.
The proposal would interfere with the morphological pattern and visual evolution of the village.
Sympathetic materials should be used.
Local planning authorities should encourage appropriate development not detrimental to the visual and historic character of the area.
Cramming of backfill land is contrary to the principles of the conservation area.
Conservation Advisory Forum consider the site should not be built on – Agree.
Development is out of scale to properties with surrounding development.
Granting permission would set a bad precedent.
Loss of outbuilding is a pity
One property would be better
Not in keeping with Conservation Area.

Highways
Lack of visibility splay of the access drive near to our quiet and private rear garden, vehicles using driveway would have a line of sight directly into our garden and conservatory causing loss of privacy.
Vehicles parked at neighbouring properties will impact on visibility.
Poor visibility of access will be dangerous to other drivers and pedestrian safety.
The development will have a harmful impact on parking on Main Street.
Limited parking has been provided.
Construction vehicles will cause a problem with parking.
Larger vehicles will struggle to access the site.

**Amenity**
Please leave a suitable level of privacy to neighbours.
Windows of the east facing property will overlook directly into 5 and 6 Ireton Court.
The height of the two-storey elevation at the north end should be amended to the south to enable privacy.
No windows in gable ends.
The windows will in reality be closer to neighbouring properties than is shown.
The nearest window to 7 Ireton Court is at least 5m closer to plot 13 than indicated.
Insufficient space to ensure privacy and amenity between dwellings.
The height of the buildings should be revised.
Significant overlooking from upstairs windows.

**Drainage**
A well or spring resides on the land at the proposed access.
Drain/sewer systems to neighbouring properties will be damaged due to construction works at Buxton Hall Court – this is a concern.

**Other**
No provision for affordable housing
The neighbouring property is an old building with shallow foundations making it susceptible to damage during construction.
Reference made to district wide local plan policies, in that the development is not acceptable.
May adversely impact on wildlife habitat.
Ground stability should be considered.
Demolition of the existing building may adversely affect the stability of neighbouring dwellings.
The safety of nearby domestic oil tanks should be considered.
Revisit the decision to demolish the outbuilding which may contain bats.
Inconsistent information given by agent.
Trees have not been accurately plotted.
The outbuilding is over 115m³ and therefore requires planning permission for demolition.

**POLICIES:**
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
   NBE21: Development Affecting A Conservation Area
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For new Development

2. Kirk Ireton Conservation Area Appraisal
   National Planning Policy Framework
   National Planning Practice Guidance
ISSUES:
The issues to consider are the principle of the development, the impact upon the character and appearance of the Conservation Area, impact on the setting of a nearby listed building, the impact upon residential amenity and the impact upon highway safety.

Principle
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.

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.

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 Character and Appearance of the Conservation Area
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 housing will be seen from Main Street as a layering of properties which is at odds with the prevailing character and appearance of the area.

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.

Furthermore the dwellings have had to be designed to take account of the impact upon neighbouring dwellings; this demonstrates the constrained nature of the site and brings into question the suitability of the site for development. The erection of two dwellings proposed on this back land site would result in a cramped form of development incongruous to the prevailing local character and pattern of development.
One of the core principles of the National Planning Policy Framework (NPPF) states that planning should: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 132 of the NPPF clearly states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance notably... world heritage sites, should be wholly exceptional.

Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In accordance with paragraphs 132 and 134 of the NPPF 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 private dwellings 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 on Setting of Listed Building
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.

Residential Amenity
Concern has been raised from local residents and the Parish Council that the proposal will harm the amenities of neighbouring residents in terms of overlooking and loss of privacy. In response to these concerns the plans have been amended to limit the windows on the elevations to the south, east and north of the proposed dwellings and replacement of these windows with roof lights. The dwellings have also been slightly re-sited towards the west of the site to increase the distance between the proposed dwellings and the properties on Ireton Court.

The revised plans have removed the potential for overlooking into neighbouring properties and into private garden areas. The ground floor windows could be screened from any adverse impacts in terms of overlooking from proposed ground floor windows. However, the proposed dwelling Plot B is in such close proximity to the existing dwelling ‘Greenway’, it is considered that the proposed development would be overbearing on that property resulting in an adverse impact upon the amenity of these residents contrary to the requirements of Policies SF5 and H9 of the Adopted Local Plan which are policies that remain broadly in line with guidance contained within the National Planning Policy Framework. It should also be noted that the development in such close proximity to boundary trees and hedging would likely lead to the loss of the existing planted screen on...
the boundary between the site and ‘Greenway’ exacerbating the harm. 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. This proposal clearly falls short of this standard.

**Highway Safety**
Concern has been raised by local residents and the Parish Council that the proposal will have poor access visibility and that the proposal will adversely impact upon highway safety and the safety of pedestrians. The Local Highway Authority has considered the proposal and consider the access visibility to be acceptable, the parking of a car on a neighbouring driveway would not in itself be sufficient to recommend refusal on highway grounds. 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.

**Other Matters**
Concern has also been raised regarding land stability and drainage. Should the proposal have been considered acceptable such matters would be considered in greater detail but would likely be resolved through imposing appropriate conditions in accordance with advice from the Land Drainage Authority.

**Conclusion**
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.

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. 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. 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 not be met due to the harm caused to residential amenity as a result of the development.
- 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.

Therefore when considering matters in the round, the harmful impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits of providing two single dwellings and therefore planning permission should be refused.
OFFICER RECOMMENDATION:
To refuse planning permission 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.

Footnotes:
This decision relates to the following documents:
Amended plans for Plot A received 02.02.16
Amended plans for Plot B received 02.02.16
Visibility splay 01-003 R 001 received 30.11.15
Site location plan 01-001 R 001 received 30.11.15
Additional letter from agent received 28.01.16
Plan demonstrating publically maintainable highway
Massing model image 01-901 R001 received 30.11.15
Proposed elevations 01-302 R001 received 30.11.15
Proposed elevations 01-305 R001 received 30.11.15
Proposed access plan 01-004 R001 received 30.11.15
Design and heritage statement received 30.11.15
Planning statement received 30.11.15
15/00782/FUL

Land Adjoining Elmcroft, Derby Road, Cromford
THE SITE AND SURROUNDINGS:
The application site forms part of the grounds to Rock House which is a Grade II Listed Building. The land forms part of the curtilage as a result of an alteration to the south eastern boundary of the immediate grounds in the 19th century. The land to the south east of the driveway was widened between 1885 and 1896 when a projection was formed into the parkland beyond the immediate grounds. During the 20th century the house and grounds were divided up creating flats in the house and new dwellings within the grounds but this area of land was retained with Rock House. The site is within the Cromford Conservation Area and Derwent Valley Mills World Heritage Site and forms an integral part of the history and development of the area. The site is a level area to lawn with protected trees to the boundary. The site is within the settlement framework boundary of Cromford.

THE APPLICATION:
Planning permission is sought to erect a three bedroom detached dwelling on the site to the northern end of this open area of land. The dwelling is of a modern appearance consisting of a number of rectangular boxes with a heavily glazed uppermost section, with the ground floor area being greater than the upper floor. The materials are proposed to be stone, timber and metal.

A design and access statement, archaeological assessment and tree survey have been submitted with the application. The submitted statement of significance and impact concludes there would be no harm to designated heritage assets as a result of this proposal which would be well screened by planting.

RELEVANT HISTORY:
WED/0381/224/LB Erection of bungalow – Refused for the following reasons:

1. The proposed bungalow would occupy the open landscaped forecourt of the listed building, Rock House, a stone Georgian residence built for Sir Richard Arkwright where as an open forecourt is essential to the character of this listed building
2. The proposed bungalow would not preserve or enhance the character or appearance of this part of the Cromford Conservation Area
3. The proposed bungalow would obstruct views of the Derwent Valley obtained southwards from the west approach to Rock House, which views are essential to the character of the group as a whole.

Applications from the 1960’s/70’s relating to the development currently on site within the grounds of Rock House.

CONSULTATIONS:
Parish Council
The ancillary ‘service’ buildings to Rock House (the Mews, The Stable Grange and the Coach House) are carefully arranged around the head of the carriage drive and all face S/E with a view across the open space to the local landscape of the Derwent Valley, designed as an integral part of the original development.
Although the proposed site area was later used as a tennis court it retains its open character allowing views of Rock House and its surroundings. The mid-20th century development, although not in keeping with the original, stops short of a line running from S/W of The Coach House, the N/W gable of 75 Derby Road and the S/W edge of the tennis court. The only exception to this is a modern development Elmcroft. This is a single storey dwelling set at a lower level (probably by around 0.4 – 0.5mm, in the old sunken rose garden) than the tennis court area and shielded from view by high yew hedge 3m in height measured from the tennis court side. (Although prominent from the parkland landscape to the S/E & N/E)

In principle any new building which protrudes into the overall site of Rock House and its environs will inevitable upset the balance of the composition of Rock House itself and its ancillary buildings, gardens and wider landscape. This would be equally true of a smaller, lower development than that proposed in this scheme. Elmcroft can only be seen from within the site where its driveway begins. Any development on the tennis court, even single storey, will be more intrusive than Elmcroft due to ground levels. Attempts to screen the development would limit views of Rock House.

The design of this large house is highly detrimental to the overall setting of Rock House and its ancillary buildings in view of its size and bulk and will detract from its setting.

The height of the proposed dwelling is greater than is commonly found in two storey housing giving it undue prominence.

The proposal will adversely impact upon the amenity of the neighbouring dwelling particularly from the terrace. Although the other terrace will not impinge on privacy, the addition of garden furniture etc. at an elevated level will seem incongruous.

The choice of limestone as a material is incongruous.

We note that the tree-survey reports that the oak (Tree 1) should be removed. This is prominent within the overall site and if removed should be replaced. We also note that further arboricultural survey work and reports will be necessary following the damage to the group of trees in the recent gales.

Local Highway Authority
The site is located off an unnamed private road, the nearest adopted highway being Derby Road which is approximately 120m from the site.

On this basis it is unlikely that the adopted highway would be affected by the proposal, there are no objections from a highway viewpoint subject to a highway note being appended to any consent for the applicant’s information.

Historic England
Summary:-
Rock House is listed grade II as a building of national special architectural and historic interest and is significant for its historical association with Sir Richard Arkwright one of the key figures of the Industrial Revolution and as an important high status house set within substantial landscaped grounds within Cromford Conservation Area.
The house, its associated landscaped grounds and ancillary buildings form part of its setting and make an important contribution to the overall significance of Rock House and the character and appearance of Cromford Conservation Area and the Outstanding Universal Value of the Derwent Valley World Heritage Site.

The proposal is for the erection of a dwelling within the former grounds of Rock House.

As the proposal affects the setting of a grade II listed building and a conservation area, 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 (sections 66(1) of the planning (Listed Buildings and Conservation Areas) Act, 1990) and to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area (s. 72, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision.

Whilst we acknowledge the significance and setting of Rock House has been compromised to some extent by the existing housing and bungalow, in our view, the proposed new development would result in a further loss of landscape setting to Rock House, which would have a harmful impact on both its overall significance and the character and appearance of Cromford Conservation Area.

Your authority would therefore need to be satisfied that there is clear and convincing justification for the harm to significance arising from proposed development within the grounds of the Rock House (Paragraph 132 NPPF) and that if justified the harm is outweighed by any public benefits arising from the scheme. (Paragraph 131-134).

We recommend this application is assessed and determined in line with the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 131, 132, 134 and 137 of the NPPF and the Planning Practice Guidance.

Advice: - Significance
Rock House is grade II listed as a building of national special architectural and historic interest. Built in 1776 and extensively remodelled in the C19 and was the home of Sir Richard Arkwright, one of the most significant figures of the Industrial Revolution from 1776 until his death in 1792. It remained in the Arkwright family ownership until the early C20, when it was sold and subsequently divided into flats.

The house sits in an elevated position and originally sat in substantial landscaped grounds, which extended beyond the current boundary. Within the former grounds are several associated ancillary buildings which along with the grounds and former parkland contribute to the overall significance of Rock House.

The house, its associated lawns and former parkland, along with ancillary buildings are identified with the Cromford Conservation Area as contributing the distinct characteristic of Cromford and make an important positive contribution to the conservation area.

The site is located with Derwent Valley Mills World Heritage Site which was designated because of its importance as the location of the birth of the factory
system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the early 19th century; in the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial towns. Rock House, its associated grounds and buildings, is therefore of considerable significance within the Derwent Valley Mills WHS because of its association with Richard Arkwright. Whilst the former grounds have been compromised to some extent by the encroachment of modern housing, the development site retains some evidential, historic and aesthetic value as part of the former landscaped grounds – beyond which is the rural valley.

Impact
The proposal is for a new residential dwelling within the former grounds of Rock House.

As outlined above the grounds, including the former grounds and ancillary buildings make a strong contribution to the setting and significance of Rock House, the character and appearance of Cromford Conservation Area and the Derwent Valley Mills World Heritage Site.

Whilst we acknowledge that the significance and setting of Rock House has been compromised to some extent by the existing housing and bungalow, in our view, development on the land would further encroach upon the house in certain views and in the overall experience of understanding and appreciating Rock House.

The principle of development would therefore result in the further loss of the historic landscape setting to Rock House which clearly was designed to sit within grounds proportionate to its scale and social importance.

Policy
As the application affects the setting of listed buildings the statutory requirements to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest (s.66, 1990 Act) must be taken into account by your authority when determining this application.

In determining the application we draw your attention to paragraph 126 and 131 in the NPPF – new development should make a positive contribution to local character and distinctiveness. Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites to enhance and better reveal their significance. In our view the proposed development will neither enhance nor reveal significance.

In addition the site is within the DVMWHS, a designated heritage asset recognised as being of Outstanding Universal Value – the NPPF is clear that the guidance contained at paragraphs 131 – 134 applies to World Heritage Sites which are considered to be of ‘the highest significance’. The recently published Planning Practice Guide provides further guidance on World Heritage Sites.

Local Authorities should also aim to achieve the objective of sustainable development, which in this context means guiding the development towards a solution which achieves economic, social and environmental gains – and this
includes the conservation of the historic environment, one of the twelve core principles of sustainable development (paragraph 8, NPPF).

Position
The proposed new development within the associated grounds of Rock House would have a harmful impact on the significance the house derives from its setting and the character and appearance of Cromford Conservation Area as outlined above.

The Local Authority need to be satisfied that the harm to significance of Rock House and Cromford Conservation Area arising from the proposed development within the former grounds is justified and that if justified the public benefits associated with the scheme outweigh this harm.

The Local Authority should also take into account the impact of the proposal on the Derwent Valley Mills World Heritage Site in weighing up all planning considerations.

DCC Tree Officer -
The mature trees at this location are protected by a County Council Tree Preservation Order (TPO 123) and trees above 7.5cms diameter are also protected by virtue of being within Cromford Conservation Area.

As you are aware, Rock House and its grounds are of historical significance in the context of the Derwent Valley Mills World Heritage Site. The mature trees within the site are likely to have been planted as part of the original landscaping to the house that was home to Sir Richard Arkwright and an integral part of this historic setting. The trees also contribute significantly to the wider visual amenity of the area particularly when approaching the village from the south on the A6 and from Cromford Canal towpath.

The application is accompanied by a tree survey report for all trees within the immediate vicinity. The report was prepared as an initial assessment of nearby trees prior to detailed design for the dwelling and associated services. The report recommends an Arboricultural Impact Assessment (AIA) should be undertaken once these details have been finalised. The AIA should include a draft Tree Protection Plan for all retained trees on site and assess whether a detailed Arboricultural Method Statement will be necessary.

From the layout plans submitted so far the footprint of the new dwelling appears to be outside the Root Protection Area of trees within the County TPO (Group 1 and T1 specifically) but may impact on younger trees within the Conservation Area. The plans also do not show where service routes will be located which could have an impact on protected trees. An AIA should therefore be prepared and include a scaled Tree Protection Plan as defined in British Standard 5837:2012.

The condition of some trees within Group 1 has changed since this survey was carried out in February 2015. Recent high winds have damaged trees within the central area of the group, uprooting a mature lime that has damaged the adjacent birch and chestnut trees. These trees will require removal and replacement under the TPO Regulations but it may also be advisable for the applicant’s Arboriculturalist to re-assess the condition of remaining trees if they re-visit the site.
Derwent Valley Mills World Heritage Site Heritage Coordinator –

The site is within the Derwent Valley Mills World Heritage Site. The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government is pledged to conserve the unique and important cultural landscape of the Derwent Valley Mills World Heritage Site; to protect its outstanding universal value (OUV), to interpret and promote its assets; and to enhance its character, appearance and economic well-being in a sustainable manner.

The Outstanding Universal Value (OUV) of the site was defined by the following criteria, agreed by UNESCO when the mills were inscribed. They are: -

C(ii) That the site exhibits “an important interchange of human values, over a span of time or within a cultural area of the world, on development in architecture or technology, monumental arts, town planning or landscape design”;

C(iv) That the site is “an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history”.

The UNESCO World Heritage Committee recorded that these criteria were met for the following reasons:

C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: “protect, conserve and enhance the Outstanding Universal Value of the DVWHS.” In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation and Design Section (which advises the world Heritage Site Partnership in planning matters) over this application, and the World Heritage Site Conservation and Planning Panel, and have received the following advice.

The proposal is for a new dwelling in the immediate grounds of Rock House, which is listed Grade II, and a key attribute for the Derwent Valley Mills World Heritage Site. There was a house on the site from before 1749, lived in by William Milnes before Peter Nightingale of Lea, Richard Arkwright’s financial backer, secured the mansion for the use of Arkwright as his Cromford home, as part of a larger land deal. The brick and ashlar house overlooks the Cromford Mills. As the home of the most influential character in the World Heritage Site’s story, during the key 18 years in Cromford when he developed and refined his ground breaking factory system, Rock House has enormous cultural significance.
Rock House was clearly a high status house, as when Arkwright took it over part of the arrangement was that he should not plough the surrounding lands down to the Derwent and beyond North Street, as its parkland setting was important even then. Had the WHS been inscribed earlier, then none of the new dwellings in the grounds would have been given planning permission. It is now a matter of principle for the WHS Partnership that no further new development should take place.

One of the ‘monitoring views’ used in the Management of the Site, includes a view which encompasses Rock House, with Willersley Castle behind, the mansion Richard Arkwright commissioned but never lived long enough to enjoy. The foreground of that view is part of the pasture which was deliberately protected from arable use to provide a ‘parkland’ setting for Rock House. It was extensive, stretching from the River Derwent uphill to beyond North Street. The remains of this park-like setting are very important, as is the wider landscape setting. The view is married by a modern bungalow, within the grounds of Rock House, which is adjacent to the proposed house in this application. Clearly, another new building would have an adverse effect of this view and the wider setting of Rock House and the grade II listed Coach House. The wider parkland setting of Rock House is reinforced by the absence of the more typical estate perimeter wall.

The mill owner’s houses and service buildings, and the mill owner’s parks and gardens are identified as part of the extensive collection of attributes which help to explain the Outstanding Universal Value of the World Heritage Site. The preservation of Richard Arkwright’s home, as a principal and iconic/symbolic building is clearly an essential objective.

The application provides no justification for this intervention into this sensitive context and raft of designated heritage assets. Neither is there any accompanying argument of need in respect of the economic future of those heritage assets. Rock House itself is sub-divided into apartments and all the historic curtilage buildings are in residential use, demonstrating a flexible approach to their continued economic use. Prior to inscription, relatively modern development has taken place within the curtilage of Rock House, which is harmful to the setting. Any further development within the grounds and parkland setting would be detrimental to the setting of this principal monument of the World Heritage Site and therefore harmful to its Outstanding Universal Value.

Development Control Archaeologist –

The site is within the Cromford Conservation Area and is c40m from the Grade II Listed Rock House, a key building within the Derwent Valley Mills World Heritage Site because of its status as the home of Richard Arkwright between 1776 and 1792. The attributes identified as contributing to the Outstanding Universal Value of the World Heritage Site include mill owner’s houses, parks and gardens.

The setting of the building is formed of landscaped gardens and parkland developed during the late 18th and 19th centuries and deliberately kept clear of arable development to create and maintain a ‘parkland’ setting for both Rock House and Willersley Castle. One of the World Heritage Site monitoring views shows this parkland setting from the east/south-east, with Rock House in the foreground and Willersley Castle behind. Rock House and its setting form a key contributor to the Outstanding Universal Value of the World Heritage Site.
The applicant has submitted an ‘archaeological desk-based assessment’ (DBA) which also contains rather brief comments on setting. With regard to below-ground archaeology this document is useful in establishing that the proposals will have no significant impacts. The site was outside the formal gardens of Rock House within parkland until the late 19th century, at which point it was brought within the gardens and subject to terracing/levelling, perhaps to create a tennis court. There is nothing to suggest archaeological significance either with regard to the industrial history of the site or pre-industrial periods. I therefore recommend that there is no need to place an archaeological requirement upon the applicant.

The application is deficient in terms of the information requirements at NPPF paras 128/9 with regard to setting of designated assets and with regard to OUV of the World Heritage Site.

The proposed development would have a harmful impact upon appreciation of the parkland setting and would feature heavily in the World Heritage Site monitored view, magnifying the harm already posed by the existing bungalow and at least partially blocking/interrupting views to Rock House/Willersley Castle across their parkland setting from this direction. The proposed development would represent a significant level of harm to the OUV of the World Heritage Site through these receptors. The application should therefore be refused consent (NPPF paras 128, 129, 132, 134).

Conservation Advisory Forum –
- CAF discussed the World Heritage Site Monitoring View (iconic views) of which one of these is a view from the A6 looking west/northwest towards Rock House. The land in question (for proposed development) lies directly within this monitoring view which was recognised and identified at the time of inscription (2001).
- Whilst some later 20th century development has occurred within the grounds of Rock House CAF considered that the recognised and identified importance of Rock House, as a key attribute of the World Heritage Site, is reinforced by the monitoring view which confirms that its general status and context have not be irrevocably lost.
- CAF considered that the grounds of Rock House – its lodge, driveway, open areas of grass, planting/trees and the pre-dominance of the House and its ancillary listed buildings – remained readable and understandable. However, the proposal for, and presence of, a dwelling on the site in question would irrevocably erode and diminish the iconic monitoring view and also in its proximity to Rock House (inc. its associated listed buildings and its grounds) harm its extant and surviving setting.
- In conclusion, the CAF considered that the principle of a dwelling on this site would be harmful to the iconic monitoring view, the listed buildings, the Conservation Area and the World Heritage Site.
- In terms of the proposed design, the CAF made the following comments, notwithstanding their opinion that the principle of development was objectionable.
  - CAF could not see how the context had informed the design
  - Its proposed materials, shape, form and character were not appropriate to the site or context
  - Its position, location and presence would be harmful to the setting and context of the site, the listed buildings, the Conservation Area and World Heritage Site.
REPRESENTATIONS:
Thirteen letters received from local residents raising the following concerns:

Setting and Impact
Will cause substantial harm to the setting of the Grade II listed building contrary to Policy NBE16 of the Local Plan.
The 1960’s development was designed to avoid harm to the open grounds and open views of Rock House.
Permitting this would negate all the efforts of to protect and preserve the grounds over the last few decades.
Planning permission has been refused for development on this land; this judgement should be followed again.
The land is the last remaining unspoilt garden to the front of Rock House.
The developer has divided the land into two plots which gives concerns regarding future intentions.
The land should have stayed within the ownership of Rock House.
Understand the need for homes in the District but this should not impinge upon cherished heritage assets.
This would ruin the iconic setting of Rock House and its associated curtilage listed buildings.
The gardens and parkland once extended to the River Derwent to Intake Lane, from Mill Lane to Cromford Canal.
This lawn is a buffer between the 18th/19th Century buildings and the 20th Century buildings.
The area is of unique social and historical importance and a significant part of what was the cradle of the Industrial Revolution. The importance is recognised by ‘World Heritage Site’ status.
Building 17 is to reopen as the gateway to the World Heritage Site, therefore Cromford is becoming an area for tourism.
We must continue to improve and preserve this heritage for future generations.
This development will harm the heritage.
The existing dwellings were carefully sited and designed to minimise impact, boundary treatments are restricted to ensure openness.
This will spoil views across the valley.
This is one of only two areas of remaining lawn.
The application would create a visual separation of the site.
The integrity and appearance of the site would be permanently compromised by this development.
Development of this land will lead the way to develop the land to the west which is within the same ownership.
Granting this development could lead to development on the remaining lawns.

Design
The design is out of keeping and intrusive.
The modern design with flat roof, glazed areas and terraces is inappropriate and detrimental.
The glazed box is wholly inappropriate.
The development will ruin the area, the building is an eyesore.
The design is more fitting to an office or factory.
Other:
Access is narrow with poor visibility.
Will add to parking.
This site is for the recreational use of the residents of Rock House.
Only 5 dwellings should be served off a private drive, there are 21 dwellings served from
the main driveway, far more than is recommended.

POLICIES:
Adopted Derbyshire Dales Local Plan
SF1: Development Within Settlement Frameworks Boundaries
SF5: Design And Appearance Of Development
H1: New Housing Development Within Settlement Frameworks Boundaries
H9: Design And Appearance Of New Housing
NBE6: Trees And Woodland
NBE16: Development Affecting A Listed Building
NBE21: Development Affecting A Conservation Area
NBE24: Archaeological Sites And Heritage Features
NBE25: Derwent Valley Mills World Heritage Site
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

Other:
Cromford Conservation Area Appraisal
Derwent Valley Mills World Heritage Site Management Plan
National Planning Policy Framework
National Planning Practice Guidance

ISSUES:
The issues for consideration are the principle of the development, the impact upon
heritage assets, residential amenity, trees and highway safety.

Principle
The site is within the settlement framework boundary for Cromford and therefore would be
a sustainable location for further residential development in accordance with Policies SF1
and H1 of the Adopted Derbyshire Dales Local Plan and the core planning principles of the
National Planning Policy Framework if other environmental constraints could be
satisfactorily addressed.

Impact on Heritage Assets
The impact of the following shall be assessed:
  a. Impact on the setting of the listed building
  b. Impact on the character and appearance of the Conservation Area
  c. Impact upon the Outstanding Universal Value of the World Heritage Site

The site is within an extremely sensitive location, it is the grounds of the Grade II listed
Rock House and therefore the impact on the setting of that listed building has to be
considered. The site is within the Cromford Conservation Area therefore the impact of
development upon the character and appearance of the Conservation Area requires
consideration and the proposal is not only within the core of the Derwent Valley Mills World
Heritage Site but also directly within one of the iconic views of the World Heritage Site.
Policy NBE16 of the Adopted Derbyshire Dales Local Plan states that planning permission for development will only be granted where it does not have an adverse impact upon the special character or setting of a listed building.

Policy NBE21 of the Adopted Derbyshire Dales Local Plan states that planning permission for development proposals within a Conservation Area will be granted provided they preserve or enhance the character or appearance of the area.

Policy NBE25 Adopted Derbyshire Dales Local Plan states that planning permission for development within the Derwent Valley Mills World Heritage Site will only be granted where it does not have an adverse impact upon its character and appearance.

One of the core principles of the National Planning Policy Framework (NPPF) states that planning should: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 132 of the NPPF clearly states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance notably... world heritage sites, should be wholly exceptional.

a. Setting of the Listed Building
The grounds to Rock House and its parkland to the south east are a designed setting which was formed to enhance the presence and visual interest of the house in its context. This land in terms of its location, character and appearance is clearly associated grounds to the listed building. The erection of a building on this site, notwithstanding previous development in the grounds to the frontage of the listed building, would lead to the further erosion of the grounds and the loss of one of the last remaining lawned areas within the grounds to Rock House. Development of the open lawned area of land historically associated with the listed building on the prominent approach to the building would cause harm to the setting of the listed building contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

This proposal is to erect a dwelling of modern design with flat roof and large glazed elements. The dwelling would be of an appearance that is considered inappropriate in this context exacerbating the harm caused. It would draw the eye and therefore become overly prominent on the site detracting from and therefore causing increased harm to the setting of the grade II listed building. As such the proposal is contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

b. Impact on the character and appearance of the Conservation Area
The harm explained in part a. above would, due to the harm to the setting of this prominent and iconic listed building, which is integral to the history and character of the area, also harm the character and appearance of the wider Cromford Conservation Area to which the site currently makes a significant positive contribution, contrary to Policy NBE21 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.
c. Impact upon the Outstanding Universal Value of the World Heritage Site
The application site is within the open area to the frontage of Rock House where there are clear views of Rock House and Willersley Castle beyond from the A6 to the far east of the site, this view is an iconic monitoring view of the World Heritage Site used in the management of the World Heritage Site. The foreground between the A6 and Rock House was deliberately protected from arable use to provide a parkland setting to the house. The remains of this parkland setting are very important along with the wider landscape setting. The modern bungalow adjacent to Rock House mars this view to an extent; a further building would exacerbate the adverse impact on this view. The development of this site in principle would therefore harm the Outstanding Universal Value of the World Heritage Site contrary to Policy NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

Furthermore the incongruous and prominent design of the proposed dwelling would harm the setting of Rock House and Willersley Castle beyond and therefore the Outstanding Universal Value of the World Heritage Site contrary to Policy NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

It should be noted that there are no concerns with regard to the potential for below ground archaeology on the site.

Amenity
The proposed dwelling would have upper terraces and large glazed areas, both of which will harm the privacy and amenity of the neighbouring residents at neighbouring Elmcroft through overlooking to the private garden area of that property. The proposal is therefore contrary to policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Trees
Whilst there remain concerns with regard to the protected trees on the site in terms of the need for an Arboricultural Impact Assessment to be provided and details of proposed services, it would appear from the comments received from Derbyshire County Council that any tree issues on the site could be resolved through the submission of further information, condition or negotiation. As there is a principle concern with regard to the development of the site this further information has not been sought in regard to the trees.

Highway Safety
Concerns have been raised regarding the intensification of traffic utilising the restricted junction and the potential for increased parking on the site. The Local Highway Authority considers it unlikely that the public highway would be affected by the proposal and therefore has no objection. The development is therefore considered to be acceptable from a highway safety viewpoint in accordance with policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

Conclusion
Whilst this is a sustainable location for residential development, the development of this site in principle would cause significant harm to designated heritage assets namely the setting of the listed building, the character and appearance of the Conservation Area and outstanding universal value of the World Heritage Site.

Paragraphs 132, 133 and 134 of the National Planning Policy Framework relate to assessing the impact of development on the significance of a designated heritage asset,
noting that the more important the asset the greater the weight should be given to the assets protection. Paragraph 132 notes that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The World Heritage Site is of great significance as a heritage asset. As noted above the proposed development will harm the Outstanding Universal Value of the World Heritage Site, it is acknowledged there has already been some harm caused by existing development within the iconic view. Therefore the additional harm caused by this development would be considered less than substantial. Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the development of a private open market dwelling is not considered to give any perceivable public benefit which would outweigh the harm caused.

The harm identified caused to the setting of this Grade II listed building is considered to be less than substantial harm. Development has already taken place within the grounds of Rock House which has eroded the parkland setting of Rock House. However, this development would lead to further erosion of the grounds and loss of the lawned area causing both harm and cumulative harm to the setting. As noted above such harm should only be allowed if the harm is weighed against the public benefits of the proposal. As noted above the public benefits of the proposal are limited and do not justify the harm in this case.

The harm caused to the setting of Rock House which is of such importance to the Conservation Area will harm the wider Cromford Conservation Area; as above this harm is considered to be less than substantial harm for which there is no public benefit to justify the harm.

The development will cause harm to 3 separate but interlinked heritage assets. In this instance this harm is not counterbalanced by public benefit and this weighs heavily against the proposal. For these reasons planning permission is recommended for refusal in accordance with paragraphs 132 and 134 of the National Planning Policy Framework.

There is also likely to be an adverse impact upon the amenity of the neighbouring residents in terms of overlooking. These adverse environmental impacts significantly and demonstrably outweigh the benefit of providing one further dwelling to add to the housing supply when assessed against the Framework as a whole. Refusal is also recommended on these grounds.

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

1. The introduction of a dwelling on this site would lead to the loss of the open lawned area to the frontage of Rock House which is intrinsic to its curtilage and setting. Any development on this site will harm the setting of the listed building, the character and appearance of the Cromford Conservation Area in which it is located and the outstanding universal value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
2. The proposed dwelling in terms of its design and form would represent incongruous and imposing development which would harm the setting of the grade II listed Rock House which is an intrinsic element of the history of the area. As such the proposal will also as a consequence harm the character and appearance of the Cromford Conservation Area and the outstanding universal value of the Derwent Valley Mills World Heritage Site. As such the proposal is contrary to Policies NBE16, NBE21 and NBE25 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

3. The siting and design of the proposed dwelling with external terracing and large glazed elements will have a detrimental impact upon the amenity of the neighbouring residents of Elmcroft in terms of overlooking into their private garden area. As such the proposal is contrary to Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Footnotes:
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:
Proposed elevations no. RHG/003 received 09.11.15
Floor and site plan RHG/002 received 09.11.15
Root protection area RHG/006 received 09.11.15
Block plan proposed RHG/005 received 09.11.15
Block plan existing RHG/004 received 09.11.15
3 no. Visuals RHG/023 received 09.11.15
Arboricultural survey report and method statement received 09.11.15
Archaeological desk based assessment received 09.11.15
Site plan RHG/010 received 09.11.15
Design and access statement received 09.11.15
15/00814/OUT

Land Adjacent Bakewell Road, Matlock

Derbyshire Dales DC

Date: 02/02/2016

100019785

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Derbyshire Dales District Council,

Town Hall, Bank Road, Matlock, Derbyshire DE4 3YN.

Telephone: (01629) 761100.

website: www.derbyshiredales.gov.uk
15/00814/OUT RESIDENTIAL DEVELOPMENT OF UP TO 57 DWELLINGS (OUTLINE) ON LAND ADJACENT TO BAKEWELL ROAD, MATLOCK FOR MR A STATHAM, MR G THOMAS AND MRS A THOMAS

Parish Council: Darley Dale Date of receipt: 14.11.15
Application type: Outline Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:
The application relates to two fields located to the south western side of the A6 opposite the site of the Whitworth Hospital extension which is currently under construction. The land slopes down from the road towards the railway. The site is grazing pasture with wet grassland occupying lower fields below the site near the railway. A hedgerow with trees separates the two fields. There are mature trees within the fields and along the site frontage. The site is on the outskirts of Matlock where existing development is concentrated on the north eastern side of the road.

The landscape character is of settlement valley pastures landscape type of the Dark Peak landscape character area. Key features include the stone roadside wall with associated grade II listed milestone, the dividing hedgerow, mature field, roadside and embankment trees.

The site is currently being used on a temporary basis to provide parking whilst construction works are underway relating to the Whitworth extension.

THE APPLICATION:
Outline planning permission is sought for the erection of up to 57 dwellings on the site with all matters reserved for consideration.

The applicant has submitted a number of supporting documents the key points of these documents are briefly summarised below:

Design and Access Statement:
57 dwellings built to accessible and wheelchair user standards.
A site description is given.
The site fronts the A6, there is no pavement on the road frontage and the edge of the road is marked by a retaining wall. A bus stop fronts a small section of road and there is a tactile surface and dropped kerb to allow crossing. There is a 40 mph speed limit.
The site is being used temporarily as a contractor’s car park for the construction of the care centre.
The railway line includes a footpath, it is proposed to upgrade the footpath to form a cycle link.
The site provides open views of the valley and the A6.
The top part of the site is within flood zone 1.
The lower part of the site is within flood zones 2 and 3.
Following on from a landscape and visual impact assessment a substantial part of the southern field will remain open and undeveloped to ensure openness and views are protected.
This is a sustainable location for residential development
A SWOT analysis is given.
The site constraints are: the flood plain, the A6, access, local housing market, on site features, drainage; these constraints have helped form the design concept.

A report prepared by DDDC entitled assessment of housing and economic needs 2015 states:

“Over the plan period the number of residents aged 65 is expected to increase significantly. This will require an additional 1,182 specialist dwellings for older persons over the 2013-2033 plan period (59 per annum). This need is principally for market housing and forms part of the overall identified need of 342 dwellings per annum”.

Demand is for 2 and 3 bed homes and bungalows.
This is a suitable site to meet the need for specialist housing.
New standards in building regulations M4(2) and M4(3) require buildings that can be adapted for wheelchair users and those for full wheelchair standards.
These are lifetime homes giving level access.
The site is proposed for specialist housing as it is reasonably level with good transport links and access to services and facilities.
The site will be a mix of specialist market and specialist affordable housing, 25% of the dwellings will be affordable (14) with a mix of houses and bungalows.
A mix of housing is proposed, 2 bed flats, 2/3 bed bungalows and 2, 3 and 4 bedroom houses.
The form and character of the housing responds to the area and a larger flat block is fully appropriate given the scale of nearby buildings.
The development will integrate into the surroundings, footpath links, play areas and biodiversity enhancements will be provided.
The housing will be set back from the A6 and therefore will not dominate Bakewell Road and will retain some of its openness.
The view from the Meadow View Care Centre will be maintained; the openness and permeability of the site will be maintained.
Most trees on site will be retained.
The eastern side of the Derwent Valley between Matlock and through Darley Dale is heavily developed. Gaps between developed areas close to the valley bottom are far less sensitive in broad landscape terms to the development of land on the sides of the valley or ridges or on the crown of the hill.
Development of Poppy Fields and the Whitworth extension have enclosed the land and created continuous development along the A6.
A new pavement will be provided along the site frontage.
A pedestrian crossing point will be provided, which is welcomed by the local community.

Landscape and Visual Impact Assessment
Within the 4.7ha site only 2.2 Ha would be developed with the remainder as grassland with a lagoon.
The proposal will reduce the gap along the A6
The rural vista between the Meadow View care facility and the agricultural landscape of the west will be retained.
Existing landscape features will be retained with planting to enhance
The immediate surroundings are rural but within the broader landscape there are residential, office, commercial and health and social care influences.
The site is well screened from the west
The development would have only minor/moderate effect, once complete the impact will be negligible with long term biodiversity enhancements.
The development would have a minor adverse impact upon local landscape character which has a mix of urban and rural influences.
The zone of visibility is very limited and contained by local topography and screening. Little visibility of the site from north and south, long terms effects are negligible. From the Peak Park the development would not be discernible within a broader urban landscape.
The design has responded in a sensitive manner to the landscape. The cumulative effects are negligible to minor adverse. The small scale of the development will have minimal impact upon the separate identities of Matlock and Darley Dale.
The development will retain existing views across the Derwent Valley to open countryside beyond.
The development will not cause unacceptable harm to the landscape and visual amenity of the site and surrounding area.

**Flood Risk Assessment**
- **Conclusion:**
The site is within flood zone 1 on the Environment Agency flood map however, an assessment has been undertaken due to the close proximity of the River Derwent and the scale of development. Residual risk will be managed by setting the finished floor levels 0.6m above the modelled 1 in 100 year annual probability plus climate change flood level and residents signing up to flood warnings.
The development will manage surface water runoff through a combination of infiltration and attenuation with permeable paving and a balancing pond. Run off rates will be in accordance with best practice. The development is appropriate for flood risk and will not increase the risk of flooding elsewhere.
- **Recommendations:**
  - Set finished floor levels no lower than 94.57mAOD
  - No ground raising in the flood zone 3
  - Maintain existing natural spring channel, located close to north-east boundary
  - Residents sign up to flood warnings
  - Undertake ground testing to establish infiltration rate and ground stability
  - Produce detailed drainage design in line with the strategy given in Section 6.0

**Arboricultural Report**
The report details 42 trees that are all deciduous broadleaves and native or naturalised species. There is one category A tree a mature pedunculated Oak of high conservation value. There are 5 category B trees. The remainder are category C trees, there are no Category U trees. Detailed data regarding the trees and a site survey has been submitted.

**Bat Survey**
- **Recommendations:**
The development shall include a suitable distance between the buildings and the existing hedgerow to the centre of the site. Lighting needs to be considered to allow commuting bats and connectivity, lighting should be directed to the east.
The section of hedgerow to be removed shall be transplanted to the western boundary to allow for foraging and commuting. Trees should be planted adjacent to the access road to improve connectivity. Native planting as listed by the Bat Conservation Trust should be used. Biodiversity enhancements are required; bat boxes/bricks.

**Reptile Survey**
- **Recommendations:**
  - Area 2 marsh grassland should be left undisturbed and should be appropriately enhanced.
  - Site clearance should be between April and September.
  - All those on site should be briefed regarding reptiles.
  - A thorough hand search shall be carried out prior to all de-vegetation works.
  - Any reptiles or toads found on site should be protected from harm.
  - If large numbers of reptiles are found works should cease and further ecological advice shall be sought.
  - Biodiversity enhancements are recommended.

**Great Crested Newt Survey**
- One Palmate Newt was found during survey but no Great Crested Newts found.
- The proposed development will have no impact on Great Crested Newts.
- The marsh grassland along the western side of the site adjacent to the railway boundary shall be left undisturbed.
- Biodiversity enhancements are recommended.

**Extended Phase 1 Habitat Survey**
- **Recommendations:**
  - Further survey works advised if works are due to have impact on hedgerow, trees, watercourse or buildings.
  - If works are to impact on the small stone building on the eastern site boundary a bat survey is recommended.
  - Check bat roosts within trees.
  - A licence may be required in terms of bats.
  - All vegetation clearing should take place out of the bird breeding season, if not a survey will be required and any nests should be left until young have fledged.
  - Recommend a nesting bird survey if the stone building is to be affected.
  - Reptile survey recommended.
  - Reptile surveys require setting out of artificial ‘refugia’ usually carpet tiles checking between April and June to see if reptiles are beneath.
  - Existing hedgerows and trees should be retained and protected through-out the development.

**Infiltration SuDS Geo-report**
- This report gives information regarding: drainage potential – is the ground suitable for infiltration SuDS, is ground instability likely to be a problem, is the ground water susceptible to deterioration in quality, details of potential ground constraints, bedrock geology. It is noted that the report is not a substitute for on-site investigation or soakaway testing.
Archaeological Desk-Based Assessment

• Recommendations:
No significant archaeological remains have been identified within the proposed development area. There is potential for buried archaeological remains to exist. Depending on the scale of the development it may be appropriate to undertake evaluation fieldwork to investigate archaeology possibly via condition. The partial tree lines within the site qualify as historically important under the terms of the 1997 hedgerow regulations and it is recommended that any changes to these assets should be avoided or minimised. A hedgerow survey could be part of any conditioned mitigation works.

Transport statement

• Conclusions:
The junction has been assessed and shown to function with ample spare capacity. The level of traffic flow does not represent a significant change in traffic conditions on the A6. Access meets the 6C’s design guidance with 5.5m wide carriageway with 6m kerb radii and 2m wide footways to both sides of the carriageway. S106 contribution provided to assist with the delivery of new pedestrian crossing point. Adequate visibility splays can be provided, the wall may need to reduce in height. A relaxation should be applied for the gradients within the site. Adequate parking and turning areas can be provided. There would be reasonable opportunities for residents to travel other than by car.

Planning statement

• Conclusions on the planning balance:
The site is outside of a defined settlement but as the Council does not have a 5 year housing land supply, therefore Policies SF4 and H4 are out of date and you must therefore refer to paragraph 14 of the NPPF. The loss of open countryside has to be weighed against the need for housing. It is likely to be some time until the development plan process is complete. The unmet housing need therefore must carry substantial weight. The site is in a sustainable location.

• Harm:
No material harm in terms of amenity, community, landscape, environmental, traffic technical or other public interests. Development would be the loss of 2.4 hectares of open countryside but with limited harm in landscape and visual terms. The core aims of NBE9 will not be significantly affected.

• Benefits:
A further statement in support has been received which is summarised as follows:
In preparing the proposals we took into account the Housing and Economic Development Needs Assessment (September 2015). Paragraph 7.25 indicates a need for 59 specialist homes suitable for older people per year during the life of the Local Plan (2013 - 2033). Paragraph 7.33 states that developments should include a good proportion of bungalows to meet the downsizing aspirations of older people. The demand for housing to meet the needs of people with disabilities is related in the needs of an older population in the main and this is where code 2 and code 3 housing comes into its own in providing homes which can be adapted as care needs increase. This is the first concluding point on page 159 of the report. Paragraph 8.48 states:

Based on the evidence, it is expected that the focus of new market housing provision will be on two and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.
The housing mix proposed is:
45% two bedroom
52% three bedroom
3% four bedroom

This mix relates directly to the specialist housing market for code 2 and 3 homes where there is no demand for 1 bedroom units. The demand for 1 bedroom units principally comes from the affordable housing sector, in this instance the demand from the Council’s housing team is for 2 and 3 bedroom homes. Happy to provide 1 bedroom affordable units should there be a demand from the affordable sector.

The agglomeration of care facilities and the grouping of older people makes the site particularly suitable for older residents. It means that friends are near, important facilities are within a short walking distance, specialist care is close by and community care can be provided more easily as care workers can move from property to property.

- I confirm agreement to pay an off-site affordable housing contribution
- The mix of M4 (2) and M4(3) housing is proposed on a 50/50 split. All the homes will be at least to M4(2) with at least 28 being to M4(3) standard. It is likely that more of the properties will be to the higher standard but this will be dependent on the final mix at reserved matters stage.
- The site owners are prepared to fund the cost of a pedestrian crossing with traffic lights.

This site offers significant benefits in both economic and social terms in what is agreed to be a sustainable location.

RELEVANT HISTORY:
None

CONSULTATIONS:
Parish Council –
- Object
  - Contravenes local planning saved policies and emerging new local plan and Darley Dale Neighbourhood Plan in particular in relation to extension of urban sprawl and loss of ‘green spaces’ separating Matlock and Darley Dale.
  - Concern of increased flooding.
- Loss of outlook towards the Peak District National Park, Bonsall Moor and views from the National Park will be affected.
- Highway issues, traffic generation and highway safety.
- Deficiencies in social facilities.

**Derbyshire County Council (Strategic Infrastructure)** -
Recommend footnotes regarding access to high speed broadband services and designing to lifetime homes standards

There is sufficient capacity at household waste recycling centres to meet the additional housing demand, therefore no need for developer contribution in this regard.

The proposed development falls within the normal area of Darley Dale Primary and Highfields School. The number of dwellings proposed would lead to an extra 11 primary and 9 secondary and 3 post 16 pupils. Current pupil numbers, projections and an analysis of recently approved planning applications indicate the relevant normal area primary and secondary school would have sufficient capacity within the next 5 years to accommodate the additional pupils arising from this development, therefore no education contribution is required.

New residential development should incorporate a 32mmm mains water riser which will enable the installation of domestic sprinkler systems.

**DDDC Head of Housing** -
This is an outline application for up to 57 homes which the application states will provide a mix of homes that can be adapted to full wheelchair standard (M4(2)) or which from the onset are at full wheelchair standard (M4(3)).

We welcome the provision of 14 affordable homes on site which meet these standards, although we would like the 14 affordable homes to be all bungalows rather than a mix of bungalows and 3 bed houses (the application does not specify the mix). The application also does not specify tenure and the proportion of M4(2) and M4(3), which we would be happy to discuss with the applicant. The affordable homes would need to be managed by a housing association. Furthermore, the 14 homes fall short of the 45% affordable housing contribution required and the application does not mention an off-site financial contribution in lieu of on-site provision.

**Local Highway Authority** –
First response:
Exit visibility from the proposed access is demonstrated at 2.4m x 62m and 2.4m x 63m these being commensurate with recorded 85 percentile approach speeds and is therefore acceptable.

There will be adequate site frontage available to Bakewell Road to accommodate a new junction meeting current layout recommendations. A detailed design for the junction will be required under reserved matters with all areas in advance of exit visibility splays constructed as footway and dedicated as highway on completion.

Traffic generation associated with the development is provided in the Transport Statement. Accident data for the roads in the vicinity of the site do not suggest a road safety problem in the area.
It is essential for the site to be well integrated towards Matlock in terms of pedestrian access. The provision of a footway along the frontage of the site will improve pedestrian permeability. However, an isolated section of footway which does not connect to the existing footway to the south is inconsistent with the principles of sustainable travel and travel choice. The pavement should be linked to the existing which would lead directly to shops, banks, supermarket and rail station along Dale Road. There is a watercourse to be crossed but an additional culvert is possible to achieve this.

The Transport Statement notes the topography is challenging and that a relaxation of the 6C’s gradient is required. The design and access statement noted that the site is for speciality housing and that the site is reasonably level. The 6C’s design guide states that the needs of mobility impaired people should be taken into account and that relaxations should not form the starting point of design. It is clear that the financial implications of cut and fill are not a material consideration in this regard.

The Transport Statement also notes that the development opposite the site sets a precedent in that only a gradient for the first 5m was required. The two sites are different and this application will likely seek some part of this site to be adopted.

A crossing facility will be required, an indicative location for this is demonstrated on the submitted plans, the route shown may not correspond with the main pedestrian desire line and therefore more works needs to be undertaken to determine the most appropriate location and type of facility to assist pedestrians crossing. This will need to be agreed with the DCCV Traffic Management Team. The details refer to as developer contribution in this regard, no sum has been mentioned and is required to assess whether this is appropriate.

The proposed public right of way to the south west of the site is noted and in principle represents a good means of alternative access. The detailed design of this facility will need to be agreed with the rights of way team.

Further consideration of these matters is required prior to determination. Happy to discuss further in terms of any condition requirements.

Environment Agency –
No objections, recommend condition – suggest the Lead Local Flood Authority is consulted.

Derbyshire County Council Flood Team –
The proposed drainage strategy and recommendations of the FRA should be followed when producing a detailed drainage design and to ensure this the County Council Flood Risk Management team recommend conditions and advisory notes.

Derbyshire Fire and Rescue –
Recommend the installation of a domestic sprinkler system, if this is not to be installed recommend a minimum of 32mm water supply capable of delivering the required volumes of water which would allow an installation to be carried out easier and at less cost should this be done in the future.
Derbyshire Wildlife Trust –
The proposed development is adjacent to and possibly encroaches upon an area of marshy ground that supports vegetation communities of nature conservation interest including a number of rarer species. The area is considered to be of sufficient interest to be flagged as a potential Local Wildlife Site DD R6302 Bakewell Road Rush Pasture.

Habitats
The application is accompanied by an Extended Phase 1 habitat survey which has divided the site into two areas; area 1 within the footprint of the proposed development and area 2 (the marshy vegetation discussed above). The assessment identified area 1 as supporting neutral semi-improved grassland, tall ruderal vegetation, scattered broad-leaved trees, species rich hedgerows, running water and a building.

Area 2 has not been surveyed in any detail as part of the ecological report. The area has been briefly viewed by DWT and the species present suggest that the site is likely to be of high nature conservation value.

Protected Species
The assessment identified the need for further surveys which were undertaken at an appropriate time of year following relevant guidance and by experienced ecologists.

Great crested newt surveys were undertaken between May and June 2015 and no great crested newts were recorded. These surveys are considered to be acceptable.

Bat activity surveys (walked transects) were undertaken and identified common pipistrelle, whiskered and noctule bats foraging and commuting across the site. Activity was noted predominately associated with the hedgerows and trees.

The building was assessed as low potential for bats, however due its retention, no further surveys were undertaken. Trees are to be retained which is welcomed.

A grass snake was identified during the phase 1 assessment, further surveys were undertaken between June and July 2015. Terrestrial palmate newts and common toad were identified, no other reptile species were identified.

Nesting birds (Robin) was present within the building as well as hedgerows and trees providing suitable nesting opportunities.

Potential impact of the development on nature conservation.
The proposed development will result in a loss of c.2.2ha of neutral semi-improved grassland, c.20m of species rich hedgerow and the removal mature broad-leaved scattered trees (Category 3 negligible potential bat trees). The loss of the grassland is likely to have a local impact and will reduce the overall biodiversity of these fields, especially as the lower half of the fields is of greater nature conservation interest. Loss of the hedgerow is significant as hedgerows are considered to be a UK BAP priority habitat. However, the scale of the impact is limited to c. 20m loss only.

The development could have adverse impacts on the marshy grassland to the south through changes to hydrology, pollution and changes in how the marshy grassland is managed (it has previously been grazed). This area of habitat is likely to meet at least one Local Wildlife Site selection guideline and should be considered as being of
subst
antive nature conservation value. It is especially important within the context of the Derwent Catchment as habitat of this type are now very rare.

Adverse impacts from loss of terrestrial habitat and construction are likely for common toad and smooth newt and possibly invertebrates. Grass snake are also present, probably at low densities. The reptile survey did not find any grass snakes suggesting that any impact is likely to be low.

The development would result in temporary disturbance to birds and there is a possibility that it could directly affect breeding birds through loss of hedgerow.

Impacts on great crested newt are considered unlikely.

The development could impact on bat roosts if any category 1 or 2 trees are felled or if the building on site were to be affected. There could be some loss of foraging habitat for bats, the loss of hedgerow is fairly small so any impacts in this respect are likely to be low.

**Measures to address potential impacts**

The proposed footprint of the development as shown on the submitted Masterplan has avoided all or most of the areas of marshy grassland. Proposed landscaping in the south-east could provide some enhancements and create new habitat which might be beneficial in the long term.

The proposed development includes a balancing pond, the retention of most trees and hedgerow, additional planting. These aspects of the development have the potential to provide benefits for wildlife, but further details will be needed.

Additional hedgerow planting is recommended and we would advise that this will need to be composed of native tree and shrub species.

We support the proposals relating to proposed vegetation clearance and tool box talk to be undertaken by an ecologist as detailed within the Reptile Report and suggest that this is incorporated within the proposed Construction and Environmental Management Plan.

There has been little consideration of indirect impacts on the marshy grassland and of key concern here is the long term sustainable management of this habitat within the context of a development.

**Outstanding issues**

Whilst the footprint of the development appears to be largely confined to areas of species poor grassland habitat there are a number of direct impacts that have been identified. These direct impacts are relatively minor and can be addressed through appropriate mitigation. Of greater concern is the potential for the development to impact on the adjacent marshy grassland. This area is largely within the blue boundary shown on the location plan. This habitat is vulnerable to pollution, changes in hydrology and changes in management as well as tipping and invasive species. These issues have not been fully explored within the assessment especially in relation to the long-term viability of managing the remaining areas of marshy grassland, but also in relation to how this more sensitive area can be protected during the construction phase and afterwards.
Further information should be sought as to how the retained habitats and newly created habitats will be managed and to seek confirmation of the precise boundary of those areas to be managed and assurance that the development will not obstruct the ongoing management of retained areas of the field.

Concluding comments
The proposed development would without any mitigation result in a net loss of biodiversity due to the loss of semi-improved grassland. However, if the above outstanding issues/concerns can be resolved and conditions can be fully implemented in line with a submitted Masterplan then adverse impacts can potentially be addressed resulting in no significant loss of biodiversity.

It will be important to ensure that the marshy grassland/swamp habitat is fully protected and a long term strategy for its management can be secured. In addition the establishment of the semi-natural greenspace including flower rich pasture, hedgerows and a balancing pond can also be secured within the area shown on the Masterplan.

Detailed conditions are recommended covering the following matters: hedgerows to be retained and managed, completion of a construction and environmental management plan, completion of a landscape and ecological mitigation and management plan works to be outside the bird breeding season and a bat friendly lighting scheme.

Development Control Archaeologist –
The proposal is accompanied by an archaeological desk-based assessment, which meets the information requirements of NPPF para 128 with regard to below-ground archaeology.

The desk-based study identifies that there is potential within the site for archaeology of prehistoric date, due to its location within the alluvial floodplain of the River Derwent. River valleys and floodplains in particular were preferred locations in prehistory for both settlement (typically utilising gravel ‘islands’ with free-draining soils) and ceremonial/ritual monuments and deposition. The soils on the site are classified as alluvium in character, suggesting that the site has a degree of alluvial cover. This may seal archaeological remains, but may also, depending on its depth, make the site unsuitable for geophysical survey.

Recommend that the archaeological interest is best addressed through a conditioned scheme of archaeological recording in line with NPPF para 141. This should be a phased scheme comprising in the first instance evaluation trial trenching, followed by targeted area excavation in areas with significant remains.

Crime Prevention Design Advisor –
No comments to make at this time

DCC Minerals Team –
The proposed development would not adversely affect the minerals safeguarding interest.
REPRESENTATIONS:

Support:
6 letters of representation have been received from 4 parties; in support of the application as follows:

Matlock and surrounding communities 50+ forum:
Support the proposal for a crossing on the A6, the funding for this should be agreed. Welcome the potential addition locally of housing suitable for older people as their needs for support increase, including meeting the standards for wheelchair use in the property.

Comments from local residents:
- Well thought out scheme which will be of benefit to the community, limited environmental impact and aesthetically pleasing.
- Would complement Audley Court bringing in a much needed tier of housing for an aging community.
- The application offers space for parking/gardening and access to meadows and cycling facilities.
- This field has little bio-diversity the development will include gardens and a water feature both of which will increase insects and birds.
- This would be an affordable alternative to Audley whilst giving easy access to A6, good transport links and access to shopping, leisure and health facilities.
- Cycle facilities should be provided.
- Please support this project.

Objection:
2 letters of representation have been received from 1 party; the concerns raised are as follows:

Matlock Civic Association:
Prematurity – the public consultation process is due to start soon; housing sites will be considered during this process. With the number of recent planning permissions granted we doubt there is a pressing need to allocate new sites in advance of the local plan. Refuse on grounds of prematurity.

Greenfield sites – there are brownfield sites within Matlock that have been allocated for housing but which remain undeveloped. As long as green fields continue to be allocated for housing the brownfield sites will not be developed. No green field permissions should be given until all brownfield sites have been developed.

Access/safety - the proposed access is onto a fast section of the A6 close to the access points at the Whitworth and the new dementia care unit. This is not safe. There is no footpath on this side of the road. Any pedestrian crossing point in this location will be a danger.

Landscape impact - this section of the A6 has good views across the valley over green fields. The rural character of this section of road is a pleasant contrast to the built up sections either side. These views are enjoyed from the facilities on the opposite side of the road. The development will change the character of the view from a rural scene to a view into and over housing. DDDC’s policy is to protect important open spaces in the Darley Dale- Matlock corridor and this proposal is inconsistent with that policy (NBE9).
Flood risk – a likely risk of flooding the Environment Agency should be consulted.

Permission should be refused.

POLICIES:
1. Adopted Derbyshire Dales Local Plan:
   SF4: Development In The Countryside
   SF5: Design and Appearance of Development
   SF6: Protection Of The Best Agricultural Land
   SF7: Waste Management And Recycling
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design and Appearance Of New Housing
   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
   NBE9: Protecting The Important Open Spaces Alongside The A6 Through Darley Dale
   NBE12: Foul Sewage
   NBE16: Development Affecting A Listed Building
   NBE24: Archaeological Sites And Heritage Features
   NBE26: Landscape Design In Association With New Development
   NBE27: Crime Prevention
   TR1: Access Requirements And The Impact Of New Development
   TR2: Travel Plans
   TR3: Provision For Public Transport
   TR8: Parking Requirements For New Development
   CS8: Provision Of Community Infrastructure
   CS9: Utility Services And Infrastructure
   L6: Outdoor Playing And Play Space In New Housing Developments


3. National Planning Practice Guidance

ISSUES:
1. Planning Policy Context
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. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the NPPF.

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 (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.
Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/ or cooperation with neighbouring authorities. Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this OAN figure of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock and Leys Farm Ashbourne and on the assumption that Ashbourne Airfield, Bakers Lane and Cavendish Cottage, Doveridge will soon be issued as decisions, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

The Adopted Local Plan
With respect to general housing policies including Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July 2015. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded in the context of a major housing application that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.
With regard to development on the protected open spaces through Darley Dale the Adopted Derbyshire Dales Local Plan notes the following:

Over the years, the Matlock-Darley Dale corridor alongside the A6 has become increasingly built up. Already this blurs the separate identity of the settlements. If allowed to go unchecked, a continuous ribbon of development would be created. The remaining open areas make a significant contribution to the character and appearance of the locality. This is especially true of the open areas to the south and west of the A6 which provide splendid views across the Derwent Valley.

For this reason Policy NBE9 of the Adopted Local Plan was adopted. This policy requires that planning permission for development will only be granted for development on open spaces alongside the A6 through Darley Dale, as defined on the proposals map is;

a) it consists of an extension of an existing building or;
b) it is required for the purposes of agriculture, forestry or outdoor recreation or;
c) it is required for the purpose of regenerating, improving and/or extending the facilities at the Sir Joseph Whitworth Centre,

and;
d) it does not have an adverse impact upon the open character of the area.

In accordance with paragraph 215 of the NPPF due weight should be given to relevant policies in existing plans according to their consistency with the framework.

In this respect paragraph 17 notes that core principles of the NPPF, within this it states that planning should take account of the different roles and character of different area, promoting the vitality of our main urban areas, protecting the Green belts around them, recognising the intrinsic character and beauty of the countryside and supporting the thriving communities within it.

Also of note is the letter from Brandon Lewis MP to the Chief Executive of the Planning Inspectorate, dated March 2015. The letter highlighted national policy on matters of landscape character referring to a number of appeal cases in which “harm to landscape character...[was]...an important consideration in the appeal being dismissed” to remind practitioners/decision takers that “one of the twelve core principles at paragraph 17 of the National Planning Policy Framework [is] that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context”. The letter went on to state that the appeal “cases [in question] also reflect[ed] the wider emphasis on delivering sustainable outcomes at the heart of the Framework, which means taking full account of the environmental as well as the economic and social dimensions of development proposals”.

Paragraph 109 states in part that; the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Therefore the aims of Policy NBE9 remain to some degree consistent with the Framework. However it is acknowledged that the negative wording of the policy seeking wholesale protection of areas of land is not in accordance with the overall presumption in favour of development contained within the NPPF. In this regard it is considered that Policy NBE9 has only limited weight in the planning balance.
In terms of the Council's need to identify larger sites for housing land release and given the limited weight of Policy NBE9 it is logical to assess the development in light of paragraph 14 considering the impacts on the development in the round as a balanced judgement.

The National Planning Policy Framework and Paragraph 14
In accordance with the above and in the absence of a 5 year supply of deliverable housing sites the NPPF directs decision making on planning applications to the guidance in paragraph 14.

It states: -
For decision taking this means:

- Approving development proposals that accord with the development plan without delay and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
  - Specific policies of the Framework indicate that the development should be restricted.

The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme. The remainder of this report will analyse the scheme against this policy requirement.

2. Other Planning Considerations
In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:-

- The sustainability of housing provision on this scale in Darley Dale.
- The impact of development on landscape character and settlement pattern.
- Provision of specialist housing.
- The impact on heritage asset.
- Residential amenity impacts for existing and proposed residents.
- Provision of affordable housing.
- Highway / pedestrian safety.
- Provision for children’s play.
- Provision of infrastructure through developer contributions / infrastructure capacity.
- Impact on ecology.
- Drainage.
- Prematurity.
- Housing Mix.
- The Planning Balance.

- The sustainability of housing provision on this scale in Darley Dale
The development of green fields outside settlements is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the district. Even if all suitably located brownfield sites across the district came forward for development there would still be the need to
develop green fields outside existing settlements to meet the indicative figure set by Inspector Holland of 6500 which forms the current basis for analysis against objectively assessed needs. Based on the most up to date evidence base the Objectively Assessed Need has been agreed by the Local Plan Advisory Committee as being a figure of 6440, however this figure has not been scrutinised or agreed as part of the Inquiry into the local plan and in the interim the figure of 6500 remains the soundest basis for assessing supply.

Although the Council chose to withdraw the emerging Local Plan in order to carry out further analysis of objectively assessed need and the capacity of the district to accommodate this, it is considered relevant to reflect on the general approach to meeting housing needs that was adopted across the range of settlements within the Planning Authority area in that emerging plan document.

It was always anticipated that the major settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. However, it is accepted, in relation to meeting a housing figure of 6,440 that some housing growth will be met and indeed would be desirable in underpinning the sustainability, services and infrastructure in and around the larger settlements not classed as Market Towns of which Darley Dale is the most sustainable and therefore has been identified in the recent study on settlement hierarchy as an area for growth as it benefits from close proximity to the full range of services and employment and transport links. Therefore the development of this site, subject to other environmental constraints being satisfied, is in accordance with the principle of promoting sustainable development to meet an existing housing need.

b. The impact of development upon landscape character and settlement pattern
The open areas along the A6 between the core of Darley Dale and Matlock have been historically protected open spaces by virtue of Policy NBE9. This site is subject to that protection. This policy notes that:
Planning permission for development will only be granted for development on open spaces alongside the A6 through Darley Dale as defined in the proposals map, if;
a) it consists of an extension of an existing building, or
b) it is required for the purposes of agriculture, forestry or outdoor recreation or;
c) it is required for the purpose of regenerating, improving and/or extending the facilities at the Sir Joseph Whitworth Centre
And;
d) it does not have an adverse impact upon the open character of the area.

Whilst this policy has only limited weight as explained in the earlier section on plan policy the objective of the protecting sensitive and valued landscapes from development is consistent with the NPPF. The Council in seeking to identify housing sites to carry forward with the emerging local plan have commissioned an independent landscape sensitivity study. The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015 which notes in relation to Darley Dale that land to the east and south east is partially located within flood zone 3, and there are potential coalescence issues with Two Dales and Upper Hackney, as a result the area has been defined as having high landscape sensitivity.

The south western side of the A6 is characterised by intermittent development with, often, extensive areas of open space overlooking the Derwent Valley in between. The site is
low lying in the valley and prominent within long views from high ground in the south west and in local views from the A6. Development of this site will lead to the loss of these green fields and the openness of this break along the A6. In terms of settlement pattern the prevailing character along this southern side of the A6 is characterised by small pockets of development interspersed with large open fields where there are views to the far reaching landscape beyond. These gaps are intrinsic in defining settlement pattern in this locality. The gap provides a rural backdrop giving the clear indication of breaks between the two large settlements of Matlock and Darley Dale. This analysis is considered to be an accurate reflection of the contribution the site currently makes to the character and appearance of the area and the development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside and open space protected by policy NBE9.

It is noted by the applicant’s agent that policy NBE9 is no longer a policy on which the Planning Authority can rely to protect these open areas along the A6. It is acknowledge that in considering larger housing sites some of the open spaces previously protected along the A6 (the DFS site and the small site to the rear of Shand House) are being considered as potential housing sites. However, these sites relate well to surrounding development and particularly in relation to the DFS site are closely linked to the settlement of Darley Dale. It is not considered that the potential allocation of these housing sites undermines the overall aims of policy NBE9. Although of limited weight it remains a material consideration.

As noted above paragraph 17 notes that core principles of the NPPF and paragraph 109 emphasise the need for planning to take account of the different roles and character of different area, promoting the vitality of our main urban areas, protecting the Green belts around them, recognising the intrinsic character and beauty of the countryside and supporting the thriving communities within it. This consideration of landscape character should be considered in the planning balance taking full account of the environmental role of sustainability as noted by Brandon Lewis MP to the Chief Executive of the Planning Inspectorate, dated March 2015.

In this respect it is considered that the adverse impact the development will have upon the landscape in this locality given its identified sensitivity is a significant negative consequence of the development which needs to be weighed in the planning balance.

c. Provision of Specialist Housing
Much emphasis is made in the application documents that the proposed development will be specialist housing. The specialist housing proposed is a mix of the higher level building regulations standard. The applicant’s agent has confirmed that all of the homes will be to at least M4(2) standard (adaptable homes) with at least 28 being to M4(3) standard (wheelchair accessible).

It is noted in the supporting evidence that a report prepared by DDDC entitled Assessment of Housing and Economic Needs 2015 states: “Over the plan period the number of residents aged 65 is expected to increase significantly. This will require an additional 1,182 specialist dwellings for older persons
over the 2013-2033 plan period (59 per annum). This need is principally for market housing and forms part of the overall identified need of 342 dwellings per annum*.

This housing need is being used to justify the proposed development of 57 dwellings in addition to the need to find sufficient housing land.

Whilst there will be a need going forward for specialist dwellings for an ageing population, the needed number of dwellings specified would be met through the overall housing number, this is not an additional requirement for housing over and above the objectively assessed need. In taking the local plan forward this issue of providing specialist housing will need to be addressed in the policies of the local plan to ensure the need is met. It is also considered that whilst the supporting documents note that this is an ideal site for such specialist housing, being near to the Whitworth centre and extension, it would be preferable to locate such housing close to existing services and facilities such as shops, GP's etc, whilst this site is within reasonably close proximity to these services, it is likely these would be a bus or car ride away for residents with accessibility needs who would require such housing.

Whilst the applicant is proposing on site affordable housing the remainder of the proposed housing would not be tied in any way to a particular user group or to care provision.

In view of this the housing provision proposed should only be given limited weight in the planning balance.

d. The Impact on Heritage Asset

There is a designated heritage asset at the frontage of the site which is a milestone; this milestone will not be impacted by the development. As the milestone is on the site frontage any alterations to the footpath in this location would have to be carefully considered so as to ensure no damage to the listed structure.

In terms of non-designated heritage assets, in this case below ground archaeology, there is potential for pre historic settlements given the location of the site. Conditions imposed on any permission would ensure such matters are considered appropriate and recording takes place. The proposal is considered to be acceptable in terms of the impacts upon non-designated herniate assets.

e. Residential Amenity Impacts for Existing and Proposed Residents

To the north east of the site is the ongoing construction of the extension to the Whitworth Hospital site. Development of this site can be accommodated on this site without having a detrimental impact upon the amenity of the future occupants of this facility due to the distances and land levels associated with the two sites. It is noted in the Agent’s submission that views from the Meadow View Care facility would be maintained.

To the south east of the site is the Long Meadow Care home. It is intended in the indicative layout that the part of the site closest to this facility would be left largely open for open space and biodiversity enhancements. It is therefore considered that the development will not have any adverse impacts upon the occupants of that unit.

To the north of the site is a commercial development. There is ample outdoor space around that property and potential for appropriate screening between that site and the
development site to ensure that any development does not cause any adverse impacts to that business operation.

In terms of impact upon amenity the site can be developed without causing any harm to residential amenity or adverse impacts upon existing health and commercial sites.

f. Provision of Affordable Housing
The significant release of land to meet the housing needs of the District as explained above is running ahead of the emerging local plan process. The existing 2005 local plan never envisaged large scale land releases outside settlement frameworks and rural affordable housing has previously been delivered through exception sites outside villages to meet the needs identified through Parish Needs Surveys.

Meeting the Objectively Assessed Housing Needs of the District as part of the new local plan process involves breaking beyond settlement frameworks to meet need and also entails making strategic decisions on where housing growth can be accommodated. As explained earlier in this report Darley Dale is considered a sustainable location for meeting some of that strategic housing demand. The emerging local plan in light of the above rather than differentiating between the major settlements and villages is likely to base the requirement for affordable housing on sites on their size rather than location, thereby securing the strategic objective for the District. The work done on the withdrawn emerging local plan underpinned with research on need and viability had a draft policy which sought 45% provision on a scheme of this scale. In the absence of any more compelling or up to date evidence to the contrary it is considered appropriate to apply this threshold.

The proposal demonstrates on-site affordable units as 14 units which is approximately 25%. The applicant’s agent has since confirmed that the remainder of the required contribution would be provided as an off-site contribution which would therefore meet the policy requirement.

Given the sustainable nature of the development it is considered that a higher percentage of affordable units should be provided on site to meet local needs. However, should the proposal be considered to be acceptable further negotiations would take place to seek a higher on site contribution in this case. This matter is not considered to warrant refusal in this case as it is possible that further negotiations would have resulted in a solution to this issue.

g. Highway/ Pedestrian Safety
A number of issues were raised by the Local Highway Authority including the need to continue the footpath along the site frontage to connect with the existing footpath which leads into the centre of Matlock. The applicants’ agent has agreed to providing this footpath. The proposal also seeks a crossing point for pedestrians to access the Whitworth extension opposite. The Local Highway Authority have agreed to this in principle subject to funding and further work to investigate the location of the crossing. Whilst a final figure for the contribution has not as yet been clarified in principle all parties are agreed to this provision. Visibility splays proposed are considered to be acceptable and there is no reason why the internal road layout and parking provision cannot be achieved to appropriate standards. Whilst access is a reserved matter it is considered that the site can be developed with a safe access along with other highway improvements.
h. Provision for Children’s Play
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 layout does show an area for on-site play provision/amenity space. Whilst the indicative plan may not show the final proposed development it is clear that the applicant’s agent is aware of the need to provide the on-site provision and appears to be willing to do so. Such provision would be submitted as part of any reserved matters application.

i. Provision of Infrastructure through Developer Contributions/ Infrastructure Capacity
The Strategic Policy Team at DCC have advised that there is more than sufficient capacity at the infant, junior and secondary schools to meet the demand for school provision as a result of this proposed development. Therefore there is no demand for a developer contribution in this regard.

There is also sufficient capacity at household waste recycling centres and therefore no need for a contribution in this regard. It is advised that new dwellings should be to lifetime homes standards to meet the needs of an ageing community, the higher level building regulations proposed for the site would ensure this. No response has been received from the Derbyshire Clinical Commissioning Groups and therefore it is assumed no contribution is required in regard to GP practices. Therefore no developer contributions are required with regards to the provision of strategic infrastructure and services.

j. Impact on Ecology
Detailed ecological surveys have been carried out which clearly demonstrate that the whole site is sensitive to development and that the development has the potential to impact upon protected species and habitats. Derbyshire Wildlife Trust has considered the proposal and have concluded that more work is required as there is concern that there is potential for the development to impact on the marshy grassland adjacent to the site but within the blue edge. This habitat is vulnerable to pollution, changes in hydrology and changes in management as well as tipping and invasive species. These issues have not been fully explored within the assessment especially in relation to the long-term viability of managing the remaining areas of marshy grassland, but also in relation to how this more sensitive area can be protected during the construction phase and afterwards.

Whilst there is more work to be done in this regard it is not necessarily an issue that cannot be overcome. Should the proposal be considered to be acceptable these issues would need to be fully resolved but there is not reasons to suggest this cannot be achieved. Given the concern regarding the application the Local Planning Authority has not sought to fully resolve these issues.

k. Drainage
It is noted from the supplied Flood Risk Assessment that the recommendation is for the disposal of surface water off site to a pre-existing wetland via an attenuation pond. Derbyshire County Council as Drainage Authority have recommended detailed conditions regarding the drainage of the site following consideration of the information contained within the flood risk and drainage strategy.
I. Prematurity
National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

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

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

Taking full account of this guidance and given that there is no draft local plan in place at this stage and that a 5 year supply of housing cannot be demonstrated, refusal on the grounds of prematurity cannot be justified in this case.

m. 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 ……”

As part of the evidence base for the emerging local plan a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which will be used to inform the preparation of new 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%”.

It is right that this guidance starts to inform the housing mix delivered on housing sites. The applicant’s agent has made it clear that that the mix proposed for this site, which is not unreasonable in accordance with the above, is based on the specialist market
housing for code 2 and code 3 homes where there is no demand for 1 bedroom units. However, in this case the application is outline 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, particularly in relation to the 1 bedroom units, 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.

n. The Planning Balance

Part 1 of this ‘issues’ section set out the Local and National Policy Guidance that applies in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.

The Councils adopted local plan can still be the primary consideration in assessing planning applications. However, following on from the local plan inspectors finding on Objectively Assessed Housing Need in July last year and the subsequent withdrawal of the local plan the Council are currently having to assess 5 year housing land supply on the 6500 figure he provisionally identified. This figure not only sets a higher supply need but the Council also have to add buffers for historic undersupply of 20% and incorporate a backlog into the target. Therefore the Council are still unable to demonstrate a 5 year housing land supply.

In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF is clear that the housing policies of the local plan are out of date. Accordingly, both policies H4 and SF4 carry no weight in the consideration of this substantial housing application. Policy NBE9 is also a policy of constraint which in the climate of releasing land outside the settlement frameworks for housing has only limited compatibility with the NPPF. The balancing exercised identified in paragraph 14 of the NPPF is appropriate to reach a balanced judgement on the merits of this application.

Policy NBE9 seeks to protect the important open spaces along the A6. This proposal is in clear contravention of this policy which although of only limited weight as noted above the aims of this policy remain important in terms of seeking to ensure that development is appropriate to landscape character and settlement pattern. This principle is consistent with the core principles of the NPPF.

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

The Inspector on the recent appeal decision at Asker Lane approached this balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. It seems entirely logical to approach this scheme in the same manner.

As described above the Council has a shortfall in housing land supply. The development of this site will make a contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.
The social dimension would be served by the provision of an open space available to the development and other residents. It would also be met through the provision of the higher level building regulations housing to meet the needs of an ageing population. In regard to other community infrastructure the development will help to underpin the school and other community facilities without it is considered leading to them being overburdened.

The economic dimension would be served by employment generated during construction and by a benefit to businesses within the village from additional resident spend.

In environmental terms the development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside and open space as has long been protected by policy NBE9 of the Adopted Local Plan. The harm to this highly sensitive landscape and settlement pattern which has been analysed in detail as part of the emerging local plan weighs heavily against the development.

Flora and fauna around the site will be adversely affected through the development but with appropriate mitigation, replanting and biodiversity management it is considered that this may in the long term lead to biodiversity enhancements.

In highway terms it is considered that the development can be well served by access onto the A6 with benefits of a pedestrian crossing and additional footways in a location that is in reasonable proximity to the services and facilities of a market town.

In the final balance, whilst the 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 the level of harm is considered so substantial as to significantly and demonstrably outweigh the benefits. When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF, it is considered that the level of harm to the prevailing landscape character is such that this adverse impact of the development will significantly and demonstrably outweigh the benefits and therefore the proposal should be refused in accordance with paragraph 14 of the National Planning Policy Framework.

OFFICER RECOMMENDATION:
The development of this site, even in part as proposed on the indicative plan, will lead to loss of openness and harm to the prevailing character and appearance of the area with adverse impact on settlement pattern contributing to ribbon development and risk of settlement amalgamation. The proposal will therefore have an adverse impact on landscape character with the intrusion of development in the countryside. The proposal as such is contrary to Policies NBE8 and NBE9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework. The harmful impact in this case significantly and demonstrably outweighs the benefits of providing the additional housing to meet the housing need and therefore fails to satisfy Paragraph 14 of the National Planning Policy Framework.

Footnotes:
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:
Design and access statement received 03.12.15
Indicative plan received 03.12.15
Draft legal agreement received 03.12.15
Planning statement received 03.12.15 site plan no. 1020-0018 received 02.12.15
Landscape and visual impact assessment by Geoplan dated November 2015
Flood Risk assessment dated 12/11/15
Topographical survey received 03.12.15
Darley Dale neighbourhood plan area plan received 03.12.15
Arboricultural report received 03.12.15
Infiltration SuDS GeoReport received 03.12.15
Bat Transect Survey received 03.12.15
Extended phase 1 Habitat Survey received 03.12.15
Reptile Survey received 03.12.15
Great Crested Newt Survey received 03.12.15
Archaeological desk based assessment received 03.12.15
Transport Statement dated November 2015
Email from agent dated 29.01.16
THE SITE AND SURROUNDINGS:
The site is an open space with former playing field, including cricket pitch and athletics track which were in use when Stancliffe Hall was previously used as a school. The land itself forms part of the parkland setting to the Hall which is a Grade II listed building. Historical analysis reveals that the Hall was set in a designed landscape which was extensive around the centrally set Hall, allowing views into the distance over its domain.

The application site is the parkland to the south of the Hall. This is overlooked by the principal rooms of the Hall and has survived to a large extent since it was completed in the late 19th Century. In its form, character and appearance, the parkland is of high importance to the setting of the Hall. After an approximately 100 year interlude, when the Hall was used as an institutional school, the Hall is once again a residence and the connection between the Hall and its immediate gardens/grounds, and its enveloping parkland, are inherent elements which are indivisible.

Evidence of this being the parkland is still found in the location of South Lodge, the historic access to the Hall past South Lodge, Fircliffe and Little Fircliffe (the access is no longer fully visible as evidence of it ends at the side Little Fircliffe) and the historic boundary walls that can be seen to the north and south of the land. The eastern end of the parkland is demarked by a metal fence which hails back to when the property was used as a school.

There are substantial belts of woodland and trees around much of the site, largely protected by a tree preservation order, albeit the view from the Hall across the parkland and the view from Whitworth Road across the parkland and up to the Hall remains open.

THE APPLICATION:
Outline planning permission is sought for the erection of up to 41 dwellings. Details of the access have been submitted for consideration at this stage.

The applicant has submitted the following documents in support of the application:

1. Design and Access Statement
2. Built Heritage Statement
3. Archaeological Desk Based Appraisal
4. Flood Risk Assessment
5. Tree Survey
6. Phase 1 Habitat Survey and Ecological Appraisal
7. Bat Activity Survey
8. Five Year Housing Supply (with 5 and 20 year buffers)

1. Design and Access Statement
The Statement advises that the proposals are well considered in terms of urban design and place making principles and that the scheme will create a high quality residential development befitting this ‘special’ site. It sets out the constraints and opportunities for the site development with reference to the Stancliffe Hall and the listed wall along Whitworth
Road. It states that existing trees and habitats would be protected wherever possible and that the development will not have impacts on drainage. It is advised that the development has regard to the ‘interface’ between the new and existing properties and responds to the topography of the site. The opportunities are considered to be the potential for the development to respect the setting of the Hall and celebrate the heritage associated with the site. It is considered that the topography will allow views of the wider landscape and that the proposals will achieve a ‘unique’ landscape rich residential development which will enhance the image of the area.

The applicant refers to national and local planning policy with reference to Policies H9 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005). The Statement sets out design parameters and principles which include a mix of predominantly family homes suggested as follows:

- 10 no. 2 bedroomed bungalows
- 7 no. 3 bedroomed houses
- 16 no. 4 bedroomed houses
- 4 no. 5 bedroomed houses
- 4 no. 6 bedroomed houses

The applicant advises that 14 units (40%) would be affordable dwellings targeted at local needs housing in the Darley Dale and the wider area in the context of an aging population.

To summarise, the applicant considers that the creation of a traditionally inspired estate hamlet will meet housing need in a sensitive and appropriate manner and that this is a response to the landscape and setting of Stancliffe Hall. The applicant advises that the Statement sets out development parameters and principles to inform the future detailed design and gives confidence that the scheme will be of a very high standard and will create a locally distinctive place which can set new standards locally and nationally.

2. Built Heritage Statement
The applicant has submitted this statement to assess the impact of the proposals in the context of Stancliffe Hall and wider historic features and buildings within Darley Dale and beyond. It refers to the historical development of the Hall and its grounds and assesses heritage assets (listed buildings and non-designated heritage assets, within a 1km radius of the site.

The Heritage Statement advises that the proposed development will have a negligible impact on the surrounding built heritage assets, with any harm falling below less than substantial threshold referred to in the National Planning Policy Framework (NPPF). It is considered that the effect of the development would be a modest change in the wider settings. It is also advised that the application site has been much altered and contributes little to the significance of Stancliffe Hall and its associated heritage assets.

It is concluded that the proposed development provides an opportunity to reinstate part of the Hall’s original parkland setting by re-shaping the cricket pitch in a more sensitive form and that any visual impact of the development could be mitigated with landscaping within and around the proposed development, with the incorporation of sight lines within and through the development.
3. Archaeological Desk Based Appraisal
The assessment advises that there are no designated heritage assets within the development study site and no impact on Scheduled Monuments in the wider area. It is considered that the potential for archaeological assets within the site is low. It is noted that extensive earth moving to form the cricket pitch will have destroyed any potential archaeological remains and that no further work is required to safeguard the archaeological interest of the site.

4. Flood Risk Assessment
The applicant’s flood risk assessment acknowledges the site is within a Flood Zone 1 but considers that no floodwater storage mitigation measures are required. It has also advised that the risks to the site of flooding are low and that there will be no increase in residual flood risk as a result of the development.

5. Tree Survey
The Tree Survey has identified the retention of the trees around the boundary of the site, albeit there will be some impact on trees in the formation of the site access and the majority of the trees within the site are shown to be retained.

6. Phase 1 Habitat Survey and Ecological Appraisal
It is concluded that there are no areas of high ecological value with the exception of veteran specimen trees protected under the TPO and the linear boundary woodland areas. It is also advised that there is no evidence of protected species within the site area but there is potential for roosting bats. Measures are recommended to maintain trees and hedgerows to allow a natural corridor to be created, the retention of protected and veteran tress, that a wetland or water feature be provided for habitat creation and that landscaping should incorporate native species.

7. Bat Activity Survey
This advises that there is no evidence of roosting activity but that the site has foraging activity. It is recommended that any works to fell trees within the site be undertaken outside of the bat activity season and to check trees which may have bat roost potential.

8. Five year Housing Supply (with 5 and 20 year buffers)
The applicant has submitted details to demonstrate that the District Council cannot currently meet its housing land supply requirements.

RELEVANT HISTORY:
None

CONSULTATIONS:
Town Council – Object:
- would be inconsistent for District Council to award planning consent having refused 8 dwellinghouses 500m away and defended this at appeal
- site is unsustainable – over a mile from post office and 3.7 miles from nearest bank
- contravenes local planning policy, emerging policy and Darley Dale Neighbourhood Plan
- destroys views of Stancliffe Hall
- highway issues, traffic generation and highway safety entering and leaving Whitworth Road
- deficiencies in social facilities
Local Highway Authority – No objection subject to Conditions.

Conservation Advisory Forum – Comment:
- discussed the historical development of the parkland to Stancliffe Hall and its intrinsic connection to, and setting of the Hall
- Stancliffe Hall was considered the most important building in the vicinity and its parkland was an important open space
- concluded that any development of the parkland would irrevocably alter the character, amenity and setting of Stancliffe Hall and this part of Darley Dale.

Development Control Archaeologist – Comment:
- consider that the scale of development proposed is harmful to the setting of the Grade II Listed Building and to a wider sense of historic landscape and townscape associated with the history of Darley Dale as a settlement
- may wish to consider whether the site could perhaps accommodate a smaller area of development without accruing the same level of heritage harm
- the southern part of the site, amounting to more than half the area within the red-line boundary, has earthwork ridge and furrow shows and that this area has remained undisturbed and the DBA document is in error and does not therefore meet the requirements of NPPF para 128 for heritage information
- the applicant should submit a revised heritage statement/archaeological DBA documents, to give an accurate account of the levels of alteration and remodelling to the site, and to show those areas retaining earthwork ridge and furrow
- these areas should be quantified and, if substantial, should be subject to geophysical survey in the first instance to advise on archaeological potential, due to the Bronze Age findspots recorded at both Stancliffe Quarries and Stancliffe Hall.

DCC Countryside Officer – Comment:
- as this is an outline planning application, it is considered too early to assess fully the potential implications for trees
- it is clear that there is a desire to retain the best specimens to compliment the development as established landscaping
- recommend that more detailed information be prepared for the reserved matters/full planning stage.

Natural England – No Objection.

Derbyshire Wildlife Trust – Comment:
- ecology report has missed an area of habitat compared to the plans
- indicative layout does not clearly show the retention of trees and will require the removal of some roadside native hedgerow and mature trees to form the main access and pedestrian access to the individual plots
- important that the scheme includes sufficient new native hedgerow and tree planting to ensure no loss of habitat
- insufficient reason to refuse application on ecology grounds but would expect appropriate level of habitat provision to compensate the loss of areas of botanical interest
- welcome the production of a Landscape and Ecological Mitigation Plan (LEMP) but this should be revised to reflect issues raised with regards to habitats on the site, provide details of the favourable management of the habitats and include details of legal and funding mechanisms to secure long term implementation
- comments on protected species but do not raise significant concerns
- recommend conditions with respect to bat enhancement strategy, timing of on-site works, retention of trees and hedgerow and that reserved matters should follow the general parameters of the illustrative Masterplan.

Crime Prevention Design Advisor – Comment:
- no comments at this time.

DDDC Planning Policy –Comment:
The majority of the application site has been submitted to the Strategic Housing Land Availability Assessment (SHLAA) and has failed to be taken forward to the final assessment category due to its heritage constraints.

DCC Strategic Planning – Comment:
- the current pupil numbers and projections indicate the relevant area primary and secondary schools would have sufficient capacity and there is no financial contribution required from the developer
- suggest that broadband facilities and a domestic water sprinkler be installed within the dwellings.

Environment Agency – No comment as proposal falls outside scope of matters for consideration.

DCC Land Drainage Authority – Object:
- inadequate Flood Risk Assessment
- states that there is a low risk from groundwater flooding when it is known there are springs on site
- no explanation of how the springs will be managed to prevent an impact to and from the proposed development
- aware of a network of land drainage below the site and flood risk has not been sufficiently analysed in this respect
- are aware that there is a blocked culvert/drain and freely discharging spring onto the public highway and working with landowner to resolve the problems.

REPRESENTATIONS:
Matlock Civic Association – Object:
- prematurity – doubt there is a pressing need to allocate new sites in advance of the Local plan given the number of recent planning permission
- greenfield site – as long as greenfield sites continue to be allocated for housing, brownfield sites will remain unused and even derelict – brownfield is supposed to be the priority and no further greenfield sites should be given permission until all brownfield sites have actually been developed (not just allocated)
- effect on parkland and landscape – site was formerly the playing fields for Stancliffe Hall school and lies within the parkland setting of this listed building and has a distinctive parkland character, not just a greenfield site
- lack of affordable/social housing – development is entirely for expensive ‘executive’ housing and the housing crisis relates to lower cost housing and there should be some provision of this type.
A total of 36 letters of representation from local residents. The comments can be summarised as follows:

**Policy and Sustainability**
- in direct conflict with saved Policies SF4 and H4 of the Local Plan
- so many nearby brownfield sites which, if developed, would benefit the community
- Stancliffe Quarry is an available brownfield site
- need broader view about where it is best to build
- unsustainable development given context of nearest facilities and services
- inadequate infrastructure to support a large housing development
- GP services under pressure
- concern whether schools would be able to cope
- outside existing and proposed Settlement Framework boundaries
- no reference made to the Landscape Sensitivity Study (September 2015)
- DDDC has refused permission for 8 houses at Highlands Cottage, Bent Lane, lying within 500m of the site
- development is unlikely to benefit the local economy
- query need for housing
- housing would be for commuters
- listed building of significance to the local community and tourism
- the Darley Dale Neighbourhood Plan is well advanced and identifies a key issue is how to manage the strategic green gaps and wedges that serve to distinguish the component settlements in the area – Darley Hillside is one such area
- Neighbourhood Plan proposes more appropriate sites at Stancliffe Quarry, the old mill site in Two Dales and land adjacent to Parkway
- St. Elphins continues to expand
- site not identified as a preferred development site in the Neighbourhood Plan analysis

**Impact on setting of Stancliffe Hall and the Landscape**
- Stancliffe Hall is a Grade II listed building of Sir Joseph and Lady Whitworth with important historical significance for Darley Dale and Darley Hillside
- The grounds form a perfect setting to the Hall
- the parkland is one of the few remaining open spaces on Darley Hillside and in Darley Dale
- an historically important part of the hillside landscape valued by the local community
- description of land as playing fields and modified is misrepresentation and simplification – parkland was specifically landscaped to produce a view of Stancliffe Hall and designed to be an intrinsic part of the Hall and the heritage of the area
- impact on the attraction of the area for visitors (walkers, cyclists, horse riders, tourists)
- Hall has already lost much of its grounds to quarrying and remaining grounds are essential to the standing of the Hall

**Character and Appearance**
- a lot said about design objectives but these are reserved matters
- impact on protected trees
- will require the felling of a considerable number of trees
- very obtrusive when viewed from the Peak District National Park
- an outline plan half the size with fewer house types would be more appropriate
- area should be regarded as a landscape asset which should be protected, not a site for potential development
- no development would be appropriate in this location
- Whitworth Road gives a strong delineation between housing development and open countryside

Amenity
- location of park and ponds would impact on existing residents’ privacy and security – if approved, the area should be set aside for wildlife
- loss of privacy and outlook
- traffic noise
- noise from residents of the development

Drainage
- field stands in water for most of the year
- Darley Hillside has many springs and small water courses
- existing drainage unable to cope
- development would displace water courses further
- would either increase existing problems or create new problems in a different location
- proposed drainage would be overcome by huge volumes of water surge
- not known if sewer has capacity
- uncertainty as to who will manage future drainage
- would add to the current problem of ice on the road at this difficult corner during winter periods

Highway Safety
- no highway reports submitted
- proposed access is in a highly dangerous location
- proximity of access to dangerous bend
- has been an increase in level of traffic and commercial vehicles, especially home delivery
- roads do not have capacity to support a large housing development
- further increase in the volume of traffic using Whitworth Road will have safety implications
- potential for further 80+ cars
- some current users of the road already abuse the 30mph speed limit
- lower part of Whitworth Road congested
- extra traffic from construction workers
- existing traffic issue should be addressed prior to any further development
- pedestrian safety

House types
- local needs housing does not feature
- affordable homes are unlikely to be local needs housing
- proposal appears to mostly involve up-market properties which local people would not be able to afford

Impact on Wildlife
- development would have consequences for protected species and impact on and loss of habitat
- records of badger activity
- no reference to breeding pair of Tawney Owls
- records locally for great crested newt
- significant number of bats reside in the area and hunt over the site
- managing of land has increased viability for invertebrates and mammal life
- large number of birds use the site for feeding – development will impact on food availability

Archaeology
- DCC Archaeologist has drawn attention to shortcomings of the application

Other matters
- short timescale given for public consultation which was exaggerated by the fact that it is over the Christmas period
- who would be liable for the maintenance of the trees

A petition has been signed by 139 people objecting to the proposal and reflecting on the matters detailed above

POLICIES:
1. Adopted Local Plan (2005)
   SF4 Development In The Countryside
   SF5 Design and Appearance of Development
   SF7 Waste Management And Recycling
   H4 Housing Development Outside Settlement Framework Boundaries
   H9 Design and Appearance of New Housing
   H12 Alternative Provision for Affordable Housing outside Settlement Frameworks
   NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
   NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   NBE6 Trees and Woodlands
   NBE7 Features Important in the Landscape
   NBE8 Landscape Character
   NBE12 Foul Sewage
   NBE16 Development Affecting a Listed Building
   NBE24 Archaeological Sites And Heritage Features
   NBE26 Landscape Design in Association with New Development
   NBE27 Crime Prevention
   TR1 Access Requirements And The Impact Of New Development
   TR2 Travel Plans
   TR3 Provision For Public Transport
   TR8 Parking Requirements For New Development
   CS8 Provision Of Community Infrastructure
   CS9 Utility Services And Infrastructure
   L6 Outdoor Playing And Play Space In New Housing Developments

2. National Planning Policy Framework

3. National Planning Practice Guidance
ISSUES:
1. Introduction – Policy Background
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. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the National Planning Policy Framework (NPPF) which 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 (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/ or cooperation with neighbouring authorities.

Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this OAN figure of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock and Leys Farm in Ashbourne, and on the assumption that both Ashbourne Airfield, Ashbourne and Bakers Lane and Cavendish Cottage, Doveridge will soon be issued as decisions, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.
The Adopted Local Plan

Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July 2015. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded in the context of a major housing application that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both Policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.

The other local plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.

The National Planning Policy Framework and Paragraph 14

In accordance with the above, and in the absence of a 5 year supply of deliverable housing sites, the NPPF directs decision making on planning applications to the guidance in paragraph 14.

It states: -

For decision taking this means:

• Approving development proposals that accord with the development plan without delay and
• Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
  - Specific policies of the Framework indicate that the development should be restricted.

In footnote 9, specific policies of the Framework which indicate that development should be restricted include those which seek to protect designated heritage assets.

The protection of heritage assets can therefore be an overriding basis for restricting development and it is therefore relevant to consider in more detail how the NPPF covers this area of policy. One of the Core Principle contained in paragraph 17 of the NPPF is to:

• conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 126 of the NPPF goes into more detail on this matter and states that:

Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment ..............they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

The NPPF defines in Annex 2 that heritage assets include:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

There are several other paragraphs in the NPPF which set out the importance of conserving heritage assets. Paragraph 129 states that:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 132 states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification………..

Paragraph 133 states that:

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 that harm or loss………..

However, paragraph 134 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and, only where those disbenefits
significantly and demonstrably outweigh the benefits, reject the scheme. The remainder of this report will analyse the scheme against this policy requirement.

2. Other Planning Considerations
In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:-

a. The sustainability of housing provision on this scale in Darley Dale.
b. The impact on the setting of the Grade II listed Stancliffe Hall.
c. The impact on archaeology.
d. The impact on trees and woodland
e. The impact on ecology
f. The impact on drainage
g. The impact on residential amenity.
h. Provision of affordable housing.
i. Housing mix
j. Highway/pedestrian safety.
k. Provision for children's play.
l. Provision of infrastructure through developer contributions/infrastructure capacity.
m. Prematurity.
n. The Planning Balance

a. The sustainability of housing provision on this scale in Darley Dale
The development of green fields outside settlements is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the District. Even if all suitably located brownfield sites across the District came forward for development, there would still be the need to develop green fields outside existing settlements to meet the indicative figure set by Inspector Holland of 6500 which forms the current basis for analysis against objectively assessed needs. Based on the most up to date evidence base, the Objectively Assessed Need has been agreed by the Local Plan Advisory Committee as being a figure of 6440, although this figure has not been the subject of scrutiny or ratification through inspection of the Local Plan.

Although the Council chose to withdraw the emerging Local Plan in order to carry out further analysis of objectively assessed need and the capacity of the District to accommodate this, it is considered relevant to reflect on the general approach to meeting housing needs that was adopted across the range of settlements within the Planning Authority area in that emerging plan document, an approach that will be carried through in the new Local Plan document.

It was always anticipated that the major settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. However, it is accepted, in relation to meeting a housing figure of at least 6,440 that some housing growth will be met and indeed would be desirable in underpinning the sustainability, services and infrastructure in and around the larger settlements not classed as Market Towns.

Darley Dale has been identified as the most sustainable location for development outside the Market Towns and therefore should be viewed as an area for growth as it benefits from close proximity to the full range of services and employment and transport links.
Therefore, subject to the environmental constraints being adequately addressed, the development of this site is in accordance with the principle of promoting sustainable development to meet an existing housing need.

b. Impact on the Setting of the Grade II Listed Stancliffe Hall
The site is within the grounds and former historic landscape setting of the Grade II Listed Stancliffe Hall. The significance of this heritage asset in the context of Darley Dale is magnified by the connection with Sir Joseph Whitworth, who remodelled the house and its associated parkland during the 19th century. The Hall itself also represents a fundamental historic element of Darley Dale. This is evidenced through developments in the area such as the Grade II listed Whitworth Centre and the Grade II listed walls around the Hall and onto Darley Hillside. The walls along the A6, although mostly not listed, and other features, such as the avenue of Lime trees along the A6, also exemplify the influence that Sir Joseph Whitworth had in shaping Darley Dale. In this respect, it is considered that Stancliffe Hall, being the core element to the development of the town holds a particularly significant historic interest.

The former parkland to the west of the house has been partially lost to the development of Stancliffe Quarries during the 20th century. The surviving stretch of grounds to the south-east, between the Hall and Whitworth Road, retains a strong sense of parkland character and is critical to retaining a sense of the scale and extent of the historic parkland once associated with the house. This land area is considered to constitute the original extent the park and is therefore important. The 20th century alteration and remodelling of the application site is considered to be overstated in the planning application documents and impacts on less than a quarter of the proposal area.

As the primary and principal aspect or view/vista from the Hall, the concept of development of this most sensitive part of the historic parkland would result in substantial harm to its significance. The aspect from the Hall would be over a series of dwellinghouses encroaching towards it and undermining its currently spacious setting. In this respect, it is considered that the parkland area which forms the application site is a fundamental part of the significance and appreciation of the heritage asset of Stancliffe Hall that would be affected by the proposed development.

The development would also be an intervention between Stonecroft (the historic south lodge to the Hall) and Stancliffe Hall. This interrelationship between the South Lodge and the Hall is still recognised with the character and appearance of building itself, and the historic access still defined by the walls and gate piers which remain largely intact. It is appreciated that there has been some minor intervention with dwellings built adjacent to part of the historic access to the Hall. However, it is considered that the historic interrelationship will be significantly diluted by the intervention of the scale of development proposed. The introduction of the access to the proposed development, to the eastern side of South Lodge, would also severely undermine the historic relationship and importance of the evident, former access.

Whilst only illustrative, it is considered that the design of the dwellinghouses detailed would serve to reflect, and in doing so undermine, the character and appearance of South Lodge. In addition, Whitworth Road currently acts as a strong delineation between the built form of Darley Dale and the open countryside/formal parkland beyond. It is considered that the development would therefore be encroaching into what is an important vista of the Hall.
Whilst the applicant has recognised that harm will be caused by the development proposals to the heritage asset, they have advised that this is less than substantial thereby promoting consideration on the basis of Paragraph 134 of the NPPF where, if this is the case, there is a need to balance the harm with the public benefits of the development. However, as detailed above, it is the view of Officers that the harm will be substantial to the heritage asset and therefore Paragraph 133 of the NPPF must be engaged.

c. The Impact on Archaeology

The applicant has submitted an archaeological desk-based assessment (DBA). The principal conclusion of this document is that the site has undergone wholesale disturbance from the creation of playing fields during the 20th century. However, even a cursory examination of the site shows that the southern part of the site, amounting to more than half the area within the red-line boundary, has earthwork ridge and furrow. This shows that this area has remained undisturbed and that the DBA document is in error. As such, the archaeology submission does not therefore meet the requirements of NPPF para 128 for heritage information, as it gives an inaccurate summation of archaeological potential.

d. The Impact on Trees and Woodland

The proposals have been considered by the County Council’s Countryside Officer. It is advised that, overall, the BS5837 Tree Survey of the site is a fair and thorough reflection of the quality and importance of trees within the landscape, most of which are protected by County Council TPO 88.

There is one tree, T18, growing within Tree Group 4 that has been surveyed as a single specimen and Categorised A1 on the survey. The survey states that it is a sycamore but it is thought that this is meant to be the very mature oak opposite Orchard Lodge on Whitworth Road; this is a very notable tree and worthy of special mention within the wider group.

However, as this is an outline planning application, with only indicative layout plans, it is considered too early to assess fully the potential implications for trees. However, it is clear that there is a desire to retain the best specimens (at least the Category A and B trees) to compliment the development as established landscaping. It is therefore recommended that more detailed information be prepared for the reserved matters/full planning stage that should include a full site specific Arboricultural Impact Assessment and Method Statement for tree protection during development.

e. The Impact on Ecology

Concerns have been raised that development would have consequences for protected species and impact on and loss of habitat. The proposals have been assessed by Derbyshire Wildlife Trust who have advised that insufficient basis exists to refuse application on ecology grounds but that they would expect appropriate level of habitat provision to compensate the loss of areas of botanical interest. This can be addressed as a condition and through the reserved matters application.

f. The Impact on Drainage

Derbyshire County Council, as Land Drainage Authority, has advised that the applicant’s Flood Risk Assessment (FRA) does not sufficiently address the flood risk concerns for the site. The FRA states that there is a low risk from groundwater flooding when it is known that there are springs located on the site. DCC are aware that there is a network of land drainage beneath the site. Whilst the FRA mentions that there may be springs, it offers no explanation of how the flood risk from the springs will be managed to prevent an impact on
the proposed development. Therefore, it is advised that the flood risk to and from the proposed development has not been sufficiently analysed from the known land drainage network.

g. The Impact on Residential Amenity
It is considered, given the extent of the site, that dwellinghouses can be provided in such a manner that would not significantly harm the privacy, light and outlook enjoyed by the occupiers of existing residential properties to a point that the application could be justifiably refused. Such matters would need to be addressed with a reserved matters application.

h. Provision of Affordable Housing
The significant release of land to meet the housing needs of the District as explained above is running ahead of the emerging Local Plan process. The existing 2005 local plan never envisaged large scale land releases outside settlement frameworks and rural affordable housing has previously been delivered through exception sites outside villages to meet the needs identified through Parish Needs Surveys.

Meeting the Objectively Assessed Housing Needs of the District as part of the new Local Plan process involves breaking beyond settlement frameworks to meet need and also entails making strategic decisions on where housing growth can be accommodated. As explained earlier in this report Darley Dale is considered a sustainable location for meeting some of that strategic housing demand.

The emerging Local Plan, in light of the above, rather than differentiating between the major settlements and villages is likely to base the requirement for affordable housing on sites on their size rather than location, thereby securing the strategic objective for the District. The work done on the withdrawn emerging local plan underpinned with research on need and viability had a draft policy which sought 45% provision on a scheme of this scale. In the absence of any more compelling or up to date evidence to the contrary it is considered appropriate to apply this threshold.

The applicant has advised that up to 16 of the dwellinghouses will be affordable dwellings. However, this is approximately 39% of the overall dwellings which falls below the level of 45% that the Local Planning Authority would normally require. In addition, the applicant has not advised what they term to be affordable housing and this would need to be quantified through a Section 106 legal agreement.

Given the sustainable nature of the development, it is considered that a higher percentage of affordable units should be provided on site to meet local needs. However, this matter is not considered to warrant refusal in this case, as it is possible that further negotiations would result in a solution to this issue.

i. 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 …….”

As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which will be used to inform the preparation of new 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%”.

It is right that this guidance starts to inform the housing mix delivered on housing sites. The applicant’s agent has made it clear that that the mix proposed for this site, which is not in accordance with the District Council’s aims of providing for smaller residential properties to meet the local need. In this case, the application is in outline only, with all matters relating to the layout and type of properties reserved for future consideration and, 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, particularly in relation to the number of smaller units required, it is important to bring this matter to the applicant’s attention by way of a footnote included in any permission to clarify the expectations of the Local Planning Authority.

i. Highway/pedestrian safety
Concerns have been raised with regard to the increase in levels of traffic, the safety of the proposed vehicular access to the site and pedestrian safety with there being a footpath to only one side of Whitworth Road. However, The Local Highway Authority has advised that the proposed access to Whitworth Road would be adequate to meet the requirements for highway safety. Conditions have been requested with regard to the access, parking and storage requirements for the construction and occupation of the development which are considered reasonable to attach to any grant of planning permission.

k. Provision for children’s play
There would be a requirement to provide for children’s’ play space on a site development of this size. However, as the layout being considered is indicative, this can be addressed through a reserved matters application.

l. Provision of infrastructure through developer contributions / infrastructure capacity
Derbyshire County Council has advised that, in terms of school place provision, the current pupil numbers and projections indicate the relevant area primary and secondary schools would have sufficient capacity within the next five years to accommodate the additional pupils arising from the development and there is therefore no financial contribution required from the developer.

It is also suggested that broadband facilities and a domestic water sprinkler be installed within the dwellings; such suggestions would be attached as advice notes to the applicant in the event that outline planning permission is granted.

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

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

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

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

Taking full account of this guidance and given that there is no draft local plan in place at
this stage and that a 5 year supply of housing cannot be demonstrated, refusal on the
grounds of prematurity cannot be justified in this case.

n. The Planning Balance
Part 1 of this ‘Issues’ section sets out the Local and National Policy Guidance that applies
in assessing the merits of this application and the other material considerations that need
to weigh in the planning balance.

The Council’s Adopted Local Plan (2005) can still be the primary consideration in
assessing planning applications. However, following on from the Local Plan Inspectors
finding on Objectively Assessed Housing Need in July last year, and the subsequent
withdrawal of the Local Plan, the Council are currently having to assess 5 year housing
land supply on the 6500 figure he provisionally identified. This figure not only sets a
higher supply need but the Council also have to add buffers for historic undersupply of
20% and incorporate a backlog into the target. Therefore the Council are still unable to
demonstrate a 5 year housing land supply.

In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF,
is clear that the housing policies of the Local Plan are out of date. Accordingly, both
Policies H4 and SF4 carry no weight in the consideration of this substantial housing
application immediately adjoining the settlement boundary and the Council are directed to
paragraph 14 of the NPPF in particular and the framework as a whole to reach a balanced
judgement on the merits of an application.

Paragraph 14 requires the decision maker, in assessing the merits of an application, to
grant permission unless the adverse impacts of doing so would significantly and
demonstrably outweigh the benefits, when assessed against the policies in the framework
taken as a whole. However, in undertaking any assessment, consideration has to be
given to Footnote 9 of the NPPF with regard to the assessment of the impact of
development on heritage assets. In this respect, it is considered that, as substantial harm
would ensue to the heritage asset, that there are no ‘substantial’ public benefits that
outweigh the harm and that the proposed development fails to comply with Paragraph 133 of the NPPF.

The Inspector, on the recent appeal decision at Asker Lane, undertook a balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. Therefore, it seems entirely logical to approach this scheme in the same manner. As described above the Council has a shortfall in housing land supply. The development of this site will make a contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.

The social dimension would be served by the provision of an open space available to the development and other village residents. It would also be met through the provision of the higher level building regulations housing to meet the needs of an ageing population. In regard to other community infrastructure, the development will help to underpin the school and other community facilities without, it is considered, leading to them being overburdened.

The economic dimension would be served by employment generated during construction and by a benefit to businesses within the settlement from additional resident spend.

In environmental terms the development of this site, will lead to loss of openness of the parkland setting to Stancliffe Hall and harm the prevailing character and appearance of the area with the encroachment of residential development into an area perceived as open countryside to which Whitworth Road forms a clear division. It is therefore considered that the proposed development will have an adverse impact on the settlement pattern, have an adverse impact on landscape character with the intrusion of development in the countryside and, more importantly, will detract significantly from the historic setting of Stancliffe Hall. There is also insufficient assessment of archaeological interests. In this respect, the proposal fails to meet with the requirements of Paragraphs 126, 129, 132, 133 and 134 as set out above. In addition, there are significant concerns with regard to the drainage of the site.

3. Conclusion
Whilst, it is the case that the Council cannot demonstrate a 5 year housing supply, this does not mean that all sites put forward are acceptable and that where the level of harm is considered significant the proposal should be refused. When all of the above matters are weighed in the balance, it is considered that the significant harm to the setting of the listed building and the prevailing landscape character are substantial, adverse impacts which weigh heavily against the proposal.

In addition there is a lack of clarity with regards to the impact of the proposals on drainage and potential archaeological interests. As such, it is considered that the adverse impacts of the development will significantly and demonstrably outweigh the benefits, and therefore the proposal should be refused in accordance with Paragraphs 14 and 133 of the National Planning Policy Framework.

OFFICER RECOMMENDATION:
Planning permission be refused for the following reasons:

1. The development of this site, will significantly harm the parkland setting to the Grade II listed Stancliffe Hall which is a Grade II listed building and, as such, the proposals are considered to be contrary to Policy NBE16 of the Adopted Derbyshire Dales
Local Plan (2005) and guidance contained within the National Planning Policy Framework. The harmful impact in this case significantly and demonstrably outweighs the benefits of providing the additional housing to meet the housing need and therefore planning permission is refused in accordance with Paragraph 14 of the National Planning Policy Framework

2. The development of this site will and lead to loss of openness and harm to the prevailing character and appearance of the landscape setting of the settlement and, as such, the proposals are considered to be contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework. The harmful impact in this case significantly and demonstrably outweighs the benefits of providing the additional housing to meet the housing need and therefore the proposal fails to satisfy Paragraph 14 of the National Planning Policy Framework

3. Insufficient information has been submitted to assess the impact the development would have on drainage of the site and, as such, the proposals are considered to be contrary to guidance contained within the National Planning Policy Framework.

4. Inadequate information has been submitted to fully appraise the potential impact of the development on archaeological interest and, as such, the proposals are considered to be contrary to Policy NBE24 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework.

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

2. This decision notice relates to the following documents:

Drawing Nos. 6247_SP(90)01 Rev E, SK(90)01 Rev. F and SIG103/100/P received on 7th December 2015
Design and Access Statement received on 7th December 2015
Built Heritage Statement received on 7th December 2015
Archaeological Desk Based Appraisal received on 7th December 2015
Flood Risk Assessment received on 7th December 2015
Tree Survey received on 7th December 2015
Phase 1 Habitat Survey and Ecological Appraisal received on 7th December 2015
Bat Activity Survey received on 7th December 2015
Five Year Housing Land Supply Details received on 7th December 2015
Indicative Drawing of Dwellinghouses received on 7th December 2015
15/00656/FUL

Land between 18 and 20 Old Hackney Lane, Hackney

Derbyshire Dales DC

Date: 08/02/2016

100019785
THE SITE AND SURROUNDINGS:
The application site is former garden land associated with the adjacent traditional cottages fronting Old Hackney Lane to the west of the site. The land slopes down towards the highway and is partially enclosed with hedging. The access to the site has already been formed. To the east of the site is a row of existing modern bungalows set back from the highway. To the west is a cluster of traditional stone dwellings in close proximity to the highway. The site is on the outskirts of Matlock in a residential area within the settlement framework boundary of the town.

THE APPLICATION:
Planning permission is sought to erect a two storey dwelling on the site with a double garage forward of the dwelling. Internally the proposed accommodation would comprise: lounge, study, dining room, store, WC, kitchen, utility and on the upper floor 4 bedrooms, 2 en-suite bathrooms and a further bathroom.

In terms of siting the front elevation of the dwelling would be almost in alignment with the rear elevation of the adjacent bungalow to the east of the site. As the site is sloping the dwelling would be set into the ground with the ridge height of the proposed dwelling being almost 2m above that of the neighbouring bungalow (no. 18).

To the front elevation the dwelling would have a projecting gable and two smaller gablets to the roof giving the appearance of a dormer bungalow. The garage to the frontage would have a flat roof. To the rear elevation there is a projecting gable and gablet detail with larger glazed feature to the centre of the elevation serving the central hallway. To the eastern elevation there are limited windows, a large glazed opening is proposed to the rear on the ground floor. To the western elevation a number of windows are proposed and with an upper floor window serving a bathroom.

Access to the site would be via the existing access already in place on the site frontage.

The applicant’s agent has submitted a supporting statement, the key points of which are summarised:
- Full planning permission was granted for the erection of a dwelling under reference 13/00910/FUL in April 2014 that proposed a single storey dwelling of plain appearance.
- The dwelling will be located between and slightly to the rear of no. 18 and no. 20.
- Access is formed
- No. 20 is a short setback from the highway with no. 18 being set much further back and being elevated above the highway.
- Traditional buildings are to the west and modern bungalows to the east.
- The plot is separated from no. 20 by an immature beech hedge which will soon form an effective screen.
- Pre application correspondence has indicated an expectation that a dwelling on this site should reflect the nature of the modest dwelling previously approved.
That dwelling was undistinguished in design and its design more reflective of the modern dwellings to the east than the traditional properties to the west.
The proposed design attempts to strike a balance between the contrasting characters of adjoining development.
The dwelling will be set into the hillside to minimise its height.
The layout minimises overlooking.
Existing mature hedges will be retained and materials of the dwelling will be appropriate to the surroundings.
The site is within the settlement
The development complies with the relevant planning policies.
The Council cannot demonstrate a 5 year supply of housing land and therefore development such as this is in a sustainable location should be granted planning permission.

RELEVANT HISTORY:
13/00910/FUL Erection of single storey dwelling – Granted with conditions

12/00138/FUL Formation of vehicular access and hard standing – Granted with conditions and subject to S106 agreement for visibility splay to be retained over neighbouring land.

08/00791/FUL Formation of vehicular access – Refused, Dismissed on Appeal

CONSULTATIONS:
Parish Council – No objection

Local Highway Authority – The depth of the proposed garage is below current design criteria. Space for manoeuvring of vehicles is limited. Given the distance from the highways appropriate turning facilities will be required to prevent waiting in the highway. Bin storage and a dwell area for bins requires further consideration. Whilst the applicant has submitted a revised parking and turning layout this has not addressed previous highway concerns.

REPRESENTATIONS:
7 letters of representation received, the key points of which are summarised:

Character and appearance
The property is overly large
The size of the dwelling is not in keeping
Unsympathetic to the area
Most properties are two bedroom and fit in well both old and new
Did not object to previous application
Adverse visual impact
Overdevelopment
The northern hillside is characterised by newer bungalows and a cluster of older properties
The modern house is not in keeping with the street scene
Inappropriate design
An ugly addition
No regard to environmental setting
Dallas style ranch
House with hardstanding to the front will be a blot on the landscape
Amenity
There would be a tall blank wall about 1m from our boundary wall which will be overshadowing and will cause overlooking
It will be overbearing
Considerable loss of amenity
The height of the dwelling is 8m compared with the 4m height previously approved

Access
The access is dangerous and visibility poor, the increase in traffic from a large house would be a danger to highway safety
Up to 7 vehicles could be using the access
There are two accesses opposite this one which is a potential traffic hazard
There are speeding problems in this area
Permission was given for the bungalow with the condition that the access would be revised, this has not been done and is not proposed.
Insufficient parking/turning provided
The volume of cars parked on the hillside would be an eyesore
No space has been allocated for waste storage
This will be a danger to pedestrian safety

Ground works
There will be a lot of ground works required if the building goes ahead, this should not adversely impact on storm water or be diverted to other properties.

Other issues
Is there still a covenant on the land which prevents development?
The increase in size of dwelling proposed is to make this a profitable venture
Significant buttressing will be needed to shore up the ground
The excavation will likely lead to the loss of our hedge and mature trees through root damage
Risk of aggravated rainwater runoff and flood risk which already a problem

POLICIES:
1. Adopted Derbyshire Dales Local Plan:
   SF1: Development Within Settlement Framework Boundaries
   SF5: Design and Appearance of Development
   H1: New Housing Development Within Settlement Framework Boundaries
   H9: Design and Appearance Of New Housing
   NBE8: Landscape Character
   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. National Planning Practice Guidance

ISSUES:
Planning permission has previously been granted for the site which is within the town of Matlock and within the settlement framework boundary defined by the Adopted Derbyshire
Dales Local Plan. Therefore the principle of residential development on this site has been established.

It is acknowledged that the Council cannot demonstrate a 5 year housing land supply and that therefore the housing policies of the Adopted Local Plan are out of date in accordance with paragraph 49 of the NPPF. In view of this the proposal should be assessed against the principles of the National Planning Policy Framework in particular paragraph 14. In this regard the location of the site within the town of Matlock within an established residential location close to services and facilities is a sustainable location for residential development. The NPPF promotes sustainable development, but there are three roles to sustainable development that require consideration not only the location of the site. The three roles of sustainability are; the economic, the social and the environmental.

In this respect the following issues shall be considered; the access to the site, the visual impact of the development and the impact of the development upon the amenity of neighbouring residents.

**Access**
Access to the site has already been formed as permitted through earlier applications which have been granted. Concern has been raised by the Highway Authority that the depth of the garage is limited as is the turning area on the site given the distance from the highway. It is considered that, should the application be considered acceptable in principle, these matters could be resolved either through amended plans or via condition. In this respect the Highway Authority have no concerns with regard to the safety of the access as it is formed or the amount of traffic that would be using the access. The proposal therefore complies with the requirements of Policies TR1 and TR8 of the Adopted Local Plan and guidance within the NPPF with respect to providing safe access to development.

**Visual impact**
The site is an elevated plot on sloping land situated between modern bungalows that are set back from the highway and traditional cottages that front directly onto the highway. In this respect the site requires careful thought in order to create a form of development which responds to the context of development sitting between the two differing forms of development that are already in situ. The previous application for planning permission was for a modest and plain bungalow which sat well with the properties to the east and in general alignment with these, whilst not having any adverse impact upon the traditional dwellings to the west.

The proposed development of a two storey dwelling of modern design and significant scale does not sit comfortably with either the modest bungalows to the east or the traditional cottages to the west of the site. In this regard it is considered that the proposed dwelling by virtue of its design and scale would be an incongruous element within the street scene at odds with the prevailing character and appearance of the locality.

The scale of the dwelling in this elevated plot would sit above the smaller traditional cottages on the frontage of the site and therefore this proposed dwelling would be a dominant and conspicuous form of development detrimental to the prevailing local sense of place.

The proposed dwelling would fill the width of the plot; the visual bulk of the building would be reduced by building into the bank. As this is an elongated plot there will be adequate
amenity space left to serve the dwelling and therefore it cannot be considered that the scale of the dwelling would be overdevelopment of the plot.

The NPPF advises that in regard to the environmental role of sustainability planning should contribute to protecting and enhancing our built environment. This is reiterated in the core principles where it notes that: planning should always seek to secure high quality design and take account of the different roles and character of different areas. Part 7 of the NPPF requires that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute to making places better for people. The poor design solution in this case and the harm that would be caused to the character and appearance of the street scene is contrary to the environmental role of sustainability.

Amenity
The proposed dwelling would fill the plot in terms of the width of the building which would be in close proximity to the boundaries with the neighbouring properties. Whilst a new dwelling of the height proposed in this hillside location would have some impact upon the amenities of neighbouring residents to the west, it is not considered that this proximity would, in itself, cause such harm to amenity in terms of overlooking, overbearing or loss of light that a refusal on these grounds would be warranted. Although the dwelling would be close to the boundary there is only one window proposed at the first floor level to the western side elevation which would serve a bathroom and therefore be obscure glazed.

To the east the existing bungalow has a window to the eastern elevation facing into the site. The proposed dwelling has the potential to adversely affect light to this window. However this window is a secondary window to the front room which has a larger window facing the highway. In this respect it is considered that the impact upon amenity in regard to no. 18 is not sufficient to warrant refusal of planning permission.

The two storey building proposed would sit above no. 20 Old Hackney Lane which is the dwelling in close proximity to the site access fronting onto the highway. A two storey dwelling in the location proposed will have the potential to look down onto the rear garden area and property at 20 Old Hackney Lane. It is considered that this potential for overlooking and the dominating impact a large two storey dwelling in this location would have upon no. 20, is sufficient to warrant refusal of planning permission.

The NPPF requires that planning should always seek a good standard of amenity for all existing and future occupiers of land and buildings. The harm to amenity caused in this case is contrary to the core principles of the NPPF and as such the development fails to meet the social role of sustainability as the proposal would have an adverse impact upon the residents of no. 20.

Residents have noted concern with regard to the proposed ground works on the site and the impacts this work may have upon ground and surface water run-off. Should the development be considered acceptable such matters could be resolved via conditions.

Conclusion
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.
The authority in granting the previous permission have agreed to the principle of residential development on this site which will only give a limited addition to the need for housing but nevertheless is a contribution towards the housing figures. 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. 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 not be met due to the harm caused to residential amenity as a result of the development, causing potential harm to well-being. The detrimental impact upon amenity is also contrary to one of the core principles of development in paragraph 17.
- The environmental role of sustainability would not be met due to the harm the scale and design of the dwelling would have upon the character and appearance of the area being an incongruous and harmful element within the street scene. This is also contrary to the core principles defined in paragraph 17 and contrary to part 7 in relation to requiring good design.

Therefore when considering matters in the round, the harmful impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits of providing a single dwelling and therefore in accordance with paragraph 14 planning permission should be refused

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

1. The proposed dwelling by reason of its design and scale would be an incongruous and dominant element within the street scene at odds with the prevailing character and appearance of the locality and the street scene. As such the proposal is considered to be contrary to the requirements of policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. The siting of a two storey dwelling in this elevated position would result in the overlooking of the rear garden and property at no. 20 Old Hackney Lane. This harm to residential amenity is contrary to the requirements of policy H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the core principles of the National Planning policy Framework.

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

2. This decision notice relates to the following documents:
   Elevations and roof plan, site, location and block plans A.01 received 10.11.15
   Proposed plans A.02 received 10.11.15
   Planning Statement from John Church Planning Consultancy received 10.11.15
15/00717/FUL

Ameycroft Farm, Bowler Lane, Farley

Derbyshire Dales DC
Date: 08/02/2016
100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NW.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
Demolition of redundant poultry sheds and erection of two business agricultural buildings, retention of retaining wall and alterations to parking area/access (part retrospective) at Ameycroft Farm, Bowler Lane, Farley, Matlock for Mr. Matt Slack

The site and surroundings:
The site is set in the open countryside to the east side of Farley Hill. The site is set to the south of the dwellinghouse of Ameycroft Farm and immediately to the north of the dwellinghouse of Bent Farm, the latter currently being replaced with a dwellinghouse and ancillary building further to the recent grant of planning permission. To the east are open fields in the applicant’s ownership.

The site itself comprises two, former chicken sheds associated with Ameycroft Farm. These are currently being used in part for storage and an office in conjunction with the applicant’s business, albeit without the benefit of planning permission. A metal sheeted building for agricultural purposes and a large retaining wall, constructed with concrete panels to the north of this, have been erected, again without permission. The frontage area of the building is currently used for the parking of vehicles and some external storage.

The application:
Full planning permission is sought to demolish the original chicken sheds and alter the unauthorised structure at the rear, to create two, multi-purpose buildings. The applicant has advised that the existing poultry buildings are no longer required and are in a poor condition, of no architectural interest and are not readily suitable for conversion to another use.

The existing buildings, notwithstanding the unauthorised alteration to Building 1, each measure approximately 13.5m by 37m and between 3.6m and 3.9m high.

The replacement buildings are proposed to measure as follows:

Building 1 - 14.3m by 35m and 4.9m high (this will incorporate the frame of the unauthorised building at the rear)

Building 2 - 14.5m by 22.5m and 5.3m high.

The applicant advises that the overall footprint of the buildings would be some 15% less than the existing buildings with a reduction in the total floor area from 987sqm to 837sqm. This is principally the case with Building 2 and this would allow the increased external area to the front of the building to be used for the parking of vehicles.

The buildings are proposed to be clad in an olive green coloured, metal profile sheet to match that of the materials approved for the swimming pool building at Bent Farm which is currently under construction. This will entail the removal and replacement of the cladding to the existing, modern building at the rear of Building 1. The applicant considers that the replacement buildings will mimic modern agricultural buildings.
At the request of Officers, Building 2 has been reduced in height and, given the step in land levels, appears lower than Building 1.

The buildings are proposed to be used as follows:

Building 1- general storage to the front and agricultural storage the rear

Building 2 – office and garaging to the front and log/wood and general storage to the rear.

The applicant has advised that the storage is going to be for his own business and the premises would not be sub-let to any other users. His business comprises general maintenance for his own properties/building and storage of materials and is the same use as present. The applicant does not have any HGV vehicles operating for the site works. He also advises that as Bent Farm is so close to the application site that he is not going to want to look at an eyesore and that he is always trying to tidy the area up.

The existing roof areas drain to a soakaway located away from the buildings. The new roof drainage would be provided with a small storage facility for harvesting water for the garden and car washing use. The excess water would bypass this storage and flow to the existing soakaway. It is proposed that the frontage of the building will be resurfaced with a porous block system to allow re-use of the existing soakaway system.

Waste water is proposed to be connected to the existing site sewerage system and drain to the septic tank which would be replaced with a modern design. The applicant has submitted a protected species survey which concludes that there is no evidence that bats are, or have recently been, using the building.

RELEVANT HISTORY:
15/00718/FUL Demolition of existing dwelling and barn and erection of replacement dwelling and swimming pool building – Granted.

14/00711/FUL Partial demolition of poultry shed and erection of agricultural storage building – Withdrawn.

CONSULTATIONS:
Town Council – Object:
- imposition of industrial area on a rural settlement – incompatible and unacceptable in a rural area
- contravention of Local Plan, emerging Local plan and Darley Dale Neighbourhood Plan
- highway issues, traffic generation and highway safety
- visual intrusion – layout and density/height of the building design, visual appearance is totally unacceptable
- due to the history of the site, historical issues/concerns/contraventions of planning legislation should be taken into account

Local Highway Authority – No objection subject to conditions.

Natural England – No Comment.
Derbyshire Wildlife Trust- Comment:
- consider that adequate survey work has been undertaken in support of this planning application for it to be determined.

REPRESENTATIONS:
Matlock Civic Association – Comment:
- consider the use of the buildings needs to be predominantly agricultural or would otherwise object
- boundary walls should be traditional in scale and materials.

A total of six letters of representation from neighbours. The comments can be summarised as follows:
- not the right place for an industrial/commercial development – business should be relocated to an industrial estate
- current activities spilling onto land at the back and road verges
- overdevelopment of the site
- increased activity
- building intended for light industrial use
- will open the door to industrialisation of the area
- disgusted by the activities being carried out in this essentially rural site
- development should be agricultural or ancillary to agricultural
- 40% of the buildings designated for agricultural use – applicant not involved with agriculture
- no evidence of agricultural use of this small, apparently non-viable holding
- visual impact – very large and bulky buildings and cover a large area
- look more like industrial estate buildings than agricultural buildings
- old chicken sheds were at least low profile, dark in colour and extremely well screened and agricultural buildings in an agricultural area
- infinitely higher than existing poultry sheds
- one section constructed without planning permission and is clearly visible from all around
- style and materials are what would be found on an industrial estate and totally inappropriate in this location
- area designated as high landscape sensitivity
- steel gates and boundary walls and masonry supports appear in conflict with Derbyshire vernacular style
- bare minimum for parking and vehicle circulation
- concerned that the use of the site will get more intensive
- impact on roads of increased traffic
- Local Highway Authority dubious about use
- since moving in in 2009, the applicant has remorselessly destroyed the rural peaceful character of the area – whole character of the area has been changed
- catalogue of events does not bode well for the future rural nature of Farley
- have witnessed wholesale regrading and reseeding of fields
- removal of virtually every tree which must be detrimental to the rural area
- has systematically removed all field boundaries and hedges within the 12 acres owned - has resulted in a barren, prairie-like landscape with no capacity to support wildlife
- has throughout shown a singular lack of appreciation and respect for the rural environment
- long list of grandiose, out of scale and sometimes tasteless developments unsuited to Farley and which have been of great concern to local residents

A petition from 16 residents of Sunnyside Terrace and Farley Hill raising objections reflecting the comments above.

**POLICIES:**

1. Adopted Local Plan (2005)
   - SF4  Development In The Countryside
   - SF5  Design And Appearance of Development
   - EDT8  Design And Appearance Of New Industrial And Business Premises
   - EDT13  Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise
   - EDT15  New Build Industrial And Business Development Outside Of Settlement Frameworks
   - EDT16  Re-use of Rural Buildings for Industrial and Business Use
   - NBE5  Development Affecting Species Protected by Law Or Are Nationally Rare
   - NBE8  Landscape Character
   - TR1  Access Requirements And The Impact Of New Development
   - TR8  Parking Requirements For New Development

2. National Planning Policy Framework


**ISSUES:**

1. Background
   The site itself comprises two, former chicken sheds associated with Ameycroft Farm and there use has ceased for such for some time. They are currently being used in part for storage and an office in conjunction with the applicant’s business, albeit without the benefit of planning permission. The applicant is submitting this application to remove these buildings which have outlived their purpose and to replace these with new buildings which respond more to the needs of his business operations, with space also for domestic garaging and storage and agricultural plant and equipment given that he owns the property at Ameycroft and is currently replacing the former dwelling at Bent Farm.

2. Design, Scale and Appearance of the Buildings
   The buildings have been designed to be reflective of agricultural buildings and replace buildings that have become run down over the years. The replacement buildings are higher than the original sheds, the highest by approximately 1.5m, but this is not considered to make them significantly more prominent than the original sheds. The applicant has erected a boundary wall and gate which would serve to screen part of the built form.

   It is considered that the proposed development would be read contextually with Bent Farm moreso than Ameycroft. This would be the case given the relative proximity and would also be underpinned to some extent with the cladding of the ancillary swimming pool building approved at Bent Farm being reflective of the proposed buildings and the continuity of the boundary wall and gates. In this respect, it is considered that the proposed development will assimilate with the approved development at Bent Farm and will have the appearance of modern agricultural buildings in association.
3. Principle of Use
The applicant advises that the use of the commercial elements of the building will be linked
to his current building/property management company. The applicant currently operates
vehicles for his air-conditioning/ventilation business from the site and has his offices
located there, albeit without formal planning permission. The proposals being presented
would seek to regularise this matter.

The use of the buildings meets a number of objectives for the applicant. He owns
agricultural land which will need maintenance and therefore a building would be normally
accepted in such circumstances. The dwellinghouse at Bent Farm does not have a
garage building associated with it. In this respect, it is considered reasonable to allow the
applicant to park his domestic and works vehicles in the proposed Building 2 rather than
entertaining an application for a further garage building at the dwellinghouse, given the
proximity to Bent Farm.

The National Planning Policy Framework (NPPF) seeks to support the rural economy.
Paragraph 28 states:

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. To
promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise
  in rural areas, both through conversion of existing buildings and well designed new
  buildings; ..........

With regard to the office and business storage use, these are considered reasonable uses
in the open countryside had the existing buildings been proposed for conversion.
Nevertheless, it is considered that to replace these deteriorating buildings with modern
buildings is appropriate. The buildings would also be less visible from the highway than
the previous buildings given that the applicant has erected a high boundary wall. The site
is also relatively sustainable given its proximity to Matlock. In this respect, it is considered
that the proposal is broadly in accordance with Policy EDT15 of the Adopted Local Plan
and guidance on business development in the NPPF.

The applicant has detailed the areas of use with lines on the layout plan, but does not
detail if these will be physically separated areas. It is considered, given the number and
different uses proposed, that this needs to be clarified as a condition and details of how
the spaces will be physically subdivided detailed.

Given the above, it is considered that the floor area of the original buildings has reduced
and that the proposed use of the replacement buildings are commensurate with the
applicant’s business, agricultural use and creates a live/work environment given the
proximity to the dwellinghouse which makes this a sustainable re-use and re-development
of this site.

4. Retaining Wall
The concrete retaining wall is a significant structure and, whilst screened in part by the
existing buildings, is nevertheless an intrusion in the countryside. In this respect, it is
considered reasonable to attach conditions requiring that the wall is faced with stonework
in accordance with details to be submitted for approval.
5. **Highway Issues**
The Local Highway Authority has considered the additional information submitted by the applicant and advises of no objection to the proposal subject to conditions.

6. **Use of Outside Space**
In order to ensure the usage of the building does not intrude in the area, it is considered reasonable to ensure that all plant and equipment associated with the applicant’s business is stored within the areas allocated for such within the buildings and not outside where it could have a detrimental impact on the character and appearance of the area. This is also to ensure that there is adequate provision for the parking of vehicles.

7. **Ecology Issues**
Derbyshire Wildlife Trust have considered the applicant’s ecological statement and advise that there are no objections to the proposals.

8. **Conclusion**
The previous use of the buildings had the potential to cause impacts on amenity with the use as chicken sheds. The use of the sheds has become redundant now but we are left with a site that, without intervention, would have been likely to become derelict overtime. It is appreciated that this is not a brownfield site, as the land and buildings were associated with agriculture. However, it has to be accepted that built form does exist and, had the buildings been of a reasonable standard, Policy EDT16 would have potentially supported their conversion to employment use in the open countryside. This site is not in a remote countryside location but is relatively close to Matlock and it is considered that the replacement buildings, and the usage proposed, are consistent with Policies EDT13 and EDT15 of the Adopted Local Plan and guidance in the NPPF.

**OFFICER RECOMMENDATION:**
Planning permission be granted subject to the following conditions:

1. The proposals hereby approved shall be provided within 9 months of the date of this permission.

2. The development hereby approved shall be carried out in accordance with the originally submitted drawings except as amended by the additional information and amended drawings received on 22nd January 2016 and 5th February 2016.

3. Prior to Building 1 being erected, the concrete retaining to the north of the building shall be faced with stone in accordance with samples and details to be submitted to and approved in writing by the Local Planning Authority.

4. Notwithstanding the details submitted with the planning application, before the development commences, samples of the materials for the elevations and roofs of the building, shall be subdivided shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

5. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative’s and visitor’s vehicles together with the loading/unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of
construction work commencing and maintained free from impediment throughout the duration of construction works.

6. The exit visibility sightlines from the access shall be maintained free from obstructions greater than 1m in height (600mm in case of vegetation) for the lifetime of the development.

7. The premises, the subject of the permission, shall not be occupied until the on-site parking spaces and turning have been provided, laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

8. Prior to the occupation, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

9. There shall be no outside storage of agricultural equipment at the front of the premises or outside storage of any goods, plant, equipment or materials relating to the business use of the premises.

10. The general store areas of the buildings shall be restricted to the storage of goods/plant/materials for the personal business operations carried out by the occupier of Ameycroft Farm/Bent Farm, in accordance with full details to be agreed in writing by the Local Planning Authority and there shall be no third party, commercial or business use of the premises.

11. The business use of the premises shall be restricted to the hours of 07.30 to 19.00 Mondays to Saturdays and not at all on Sundays or Bank Holidays.

12. Notwithstanding the details submitted with the planning application, before the development commences, details of how the internal spaces shall be subdivided shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

1. In order to give a reasonable time period to regularise the breach of planning legislation as a result of the erection of the unauthorised building and the change of use of the former poultry sheds and to ensure the satisfactory appearance of the site to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13, EDT15 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

2. To define the permission for the avoidance of doubt.

3-4. To ensure the satisfactory appearance of the development to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13, EDT15 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005).

5. In the interests of highway safety.

7. To ensure the provision of adequate parking facilities in the interests of highway safety to comply with government guidance contained in the National Planning Policy Framework and Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005).

8. In the interests of highway safety.

9-11. To safeguard the amenity of the area to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005).

12. To ensure the usage of the buildings and their constituent areas remains only in the use approved in the interest of amenity to comply with government guidance contained in the National Planning Policy Framework and Policies SF4, SF5, EDT13 and EDT15 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:
1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to addressing the unauthorised development and use of the site and to address the scale of Building 2 and the use of the proposed buildings.

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

3. This decision notice relates to the following documents:

   Drawing Nos. BAF001, 002, 003 and 004 received on 12th November 2015
   Amended Drawing No. BAF005 P1 received on 22nd January 2016
   Design and Access Statement received on 12th November 2015
   Protected Species Survey (C.B.E. Consulting) received on 12th November 2015
   Additional information received on 5th February 2016
Honeysuckle Farm, Shirley Lane, Rodsley

Derbyshire Dales DC
Date: 02/02/2016
100019785
INTRODUCTION:
This application was deferred at Planning Committee on the 1st December 2015 to enable the applicant to reconsider the nature of the kennels being proposed, particularly with regard to ventilation and update the accompanying noise assessment to take account of any necessary changes. It is now proposed to construct kennels with mesh doors, which has resulted in the need make some changes to the exterior of the building (described in ‘The Application’ section of this report) to ensure the noise levels remain within acceptable limits.

THE SITE AND SURROUNDINGS:
The application relates to part of an open fronted, steel framed agricultural storage building on the 22.5 acre holding at Honeysuckle Farm, 400m to the east of Rodsley village crossroads. The building was extended and approved to house livestock in 2003 and sits in front of an 8,000 bird free range egg production unit and to the east of a mobile home, which is subject of a separate application for its retention for a further temporary period. The building is set approximately 70m back from and orientated to face Shirley Lane. The nearest residential property, The Cottage, is located some 180m away to the north east. Access to the building is via the main farm access which sweeps in front of the building towards Mill Lane.

THE APPLICATION:
Planning permission is sought to use part of the open fronted storage building to house boarding kennels. The kennels will be sited in the south western corner of the building and will accommodate up to 7 dogs (stated in the accompanying noise assessment to comprise 4 boarding dogs and the applicants 3 dogs). Roughly one third of the existing floor area will be taken over by the proposed use. There will be 5 kennels in total, accommodated within a purpose built building which will be 11.5m wide by 7.4m deep. The building will have a shallow mono-pitch roof, 2m high at its highest point. Each kennel is shown to have its own run and sleeping area. The walls of the building will be constructed in blockwork and the roof is shown to be faced in corrugated plastic sheets on the submitted plans. In front of the kennels within the building a small kitchen / food preparation area is shown.

A parking area for up to three will be provided in front of the building. Access will be via the existing track.

Following concerns that the fully sealed kennels upon which the accompanying noise assessment was based would not be suitable environment for dogs, it is now proposed to construct kennels with mesh doors. In order to be able to make provision for appropriate noise attenuation measures, it is proposed to clad the front facade of the building in concrete panels to a height of 2.1m with Yorkshire boarding above. In front of the kennels a pair of sealed wooden doors is shown.
RELEVANT HISTORY:
15/00691/FUL  Siting of mobile home for use as agricultural workers dwelling for a further temporary period of 3 years – Pending Consideration.
11/00528/TEMP  Siting of a mobile home for use as an agricultural workers dwelling for a temporary period of three years – Granted
11/00526/REM  Erection of 8000 Bird Free Range Egg Production Unit and associated access – approval of Reserved Matters – Granted
11/00255/OUT  Erection of 8000 Bird Free Range Egg production Unit and associated access – Granted
10/00539/OUT  Erection of 8000 bird free range egg production unit and associated access – Withdrawn
03/10/0771  Erection of Agricultural Livestock building – Granted
03/06/0455  Alterations to Existing Field Access – Granted
03/02/0146  Erection of Agricultural Livestock and Fodder Storage building – Withdrawn
02/12/0949  Erection of Agricultural Livestock Building – Withdrawn
02/09/0709  Agricultural Prior Notification – Erection of Fodder and implement store – Council’s prior approval not required

CONSULTATIONS:
Local Highway Authority:
Whilst the Highway Authority appreciates the site is within a rural area so traffic volumes on the fronting road are low, the emerging visibility available from the existing access is severely restricted due to fronting vegetation.

During a recent site visit it was evident vehicle speeds passing the site are supressed to approximately 20mph due to the roads limited width and general alignment. In accordance with current design guidance, this access should achieve minimum emerging visibility splays of 2.4m x 31m in both directions. These splays seem achievable due to the applicant showing control of the land either side of the access. Although this may result in some of the fronting vegetation being removed or set back, the Highway Authority is assessing the proposals purely from a safety viewpoint and, due to the proposals having the potential to increase the traffic associated with the substandard access (the farming activity is to remain on site), its recommended these splays are achieved.

The Highway Authority advise with regard to the mature trees to the south west of the access that they can be retained provided the vegetation around the truck (up to a height of 1.5m) is removed.

Parish Council:
The Parish Council object to the proposals on the following grounds:-
• Accepting the change of use of the agricultural building to create the proposed kennels would create an unwelcome precedent.

• The applicant has not addressed the potential problem of the noise that would be created by housing a number of dogs and the nuisance this would create for neighbours. The proposed building is only approximately 100 yards from the nearest residential dwelling.

• There would be an increase in the volume of traffic on a very narrow rural road.

• At present the building is used as a fodder store – the change will reduce the amount of fodder that can be stored – increasing the number of deliveries per year.

• The increased area of hard core required to provide parking for the proposed kennels will only exacerbate problems with regard to surface water in an area that is already very prone to flooding.

• The previous application for a chicken farm carried conditions – one of which was that if the farming venture failed that the site would be returned to its original condition and all new buildings removed. Presumably, if the chicken farm venture fails, then any other business on the site would also have to be removed? If not, then the establishment of the kennels would be seen as a useful circumvention of the original condition placed upon the chicken farm and would be exploited by others.

Head of Environmental Health:

First response:

Raised some concern regarding noise from dogs barking and the potential for the development to pose a nuisance to the occupants of nearby residential properties. Recommended that a noise impact assessment be undertaken by the applicant and advised that this should look at the construction standards of the kennels, exercising times and number of dogs out at one time including supervision of outdoor exercising sessions, and collection and drop off times for animals.

Second response:

The applicant commissioned an environmental noise survey and impact assessment which concluded that for overnight boarding of up to 7 dogs in fully sealed masonry built kennels and outside day time exercising on designated enclosed paddock areas will not lead to sound levels at the most sensitive residential receivers above those given in BS8223:2014 giving rise to justifiable complaints of dogs barking as a source of noise nuisance at neighbouring residential dwellings.

Having considered the results of the above assessment The Head of Environmental Health concluded that the proposed development, subject to the conditions to cover the following would be acceptable:

1. No more than 7 dogs at any time.
2. Construction standards as specified in table 6 of noise report (p21) which proposed fully sealed and insulated kennels.
3. Maximum number of 2 dogs to be exercised at one time. This may exclude owners own dogs but boarded dogs to be exercised at a separate time.
4. Details of any vents proposed in the construction shall be notified to the LPA, or any forced ventilation.
5. A management plan for dealing with noisy dogs be produced and agreed with the LPA.
6. Exercising should be as stated and be supervised at all times.

Third response (based on the latest proposals):

Advise that the noise calculations, whilst presented as a worst case scenario push the limits of acceptability, in that they are just within World Health Organisation (WHO) standards and considerably over BS4142 (although night time backgrounds are so low it is probably out of the scope of the standard although it does provide an indicative measure, it is still +12 with a nominal background of 30 (penalties added for type of noise)). Recommend that it be a condition of any permission that the sound insulation measures be implemented as per the specification in paragraph 8.6 (page 34) of the updated report and maintained as such thereafter and the recommendations set out at paragraph 9.4 (page 37) be followed. The Head of Environmental Health also recommends that good hygiene is maintained at all times and all wastes disposed of swiftly and the kennels kept clean to prevent nuisance from odours occurring and also to control pests food should be stored in pest proof containers at all times.

Derbyshire County Council Flood Risk Team:
The Flood Risk Management Team is aware of historic flood issues approximately 180m to the east of the proposed site. The County Council have some concerns over an increase in surface water associated with the change of use (i.e washing down of the boarding kennels and the possible increase in impermeable area). As such, the development should demonstrate that there is no risk of increasing the rate of surface water runoff from the site. It is also recommended that the applicant demonstrates that that maximum use possible will be made of permeable surfaces (or alternatively surface water storage elements) to limit the flows off site to pre-existing rates and that there is no risk of increasing the rate of surface water runoff from the site. A condition / advisory note, which deals with the above, is recommended.

REPRESENTATIONS:
Four letters of representation from occupants of nearby residential properties, objecting to the proposed development have been received, in which the following concerns are raised:

- A dog kennel business would be an unwelcome sight in the countryside and isn’t in-keeping with the area.
- Having a business such as kennels would increase the number of vehicles.
- The enjoyment of going on country walks would be affected by the visual impact.
- Birds will not feel safe when nesting.
- Regardless of whether dogs are kept inside their kennels between certain times of the day they will still be let outside at points to exercise. The surrounding area (not
just immediate neighbours) will be affected by the noise and the sound will echo significantly. No amount of sound proofing can prevent this happening.

- Any change of use and occupation of the agricultural facility seriously questions the current land owner’s abilities in being able to comply with the current planning arrangement pertaining to the temporary residential and agricultural usage profile.
- Welfare of the dogs being accommodated – will they be monitored on a 24 hour support basis.
- Increase traffic flows down a single track lane.
- The existing arrangement was made on the condition that there was a business case for the egg production to enable the owners to be self-supporting. There was no provision to be able to add whatever they wanted to achieve this.
- Noise – conflict between the use and deliveries taking place. Poultry feed being delivered at unsocial hours and disturbing the boarding dogs is cited as an example.
- The site is only just above an area which is at risk of flooding.
- The development will increase the flood risk to the already catalogued flooding issue along the road past The Cottage and Greenacres.
- Extra wash down adds to the problem we have with flooding.
- Dog barking will be accentuated by virtue of the fact the kennels are in a barn.
- Parking areas could constitute a soak-away situation.
- Siting the kennels in a large barn could provide scope to increase the numbers of dogs by several fold.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005):
- SF4: Development In The Countryside
- SF5: Design And Appearance of Development
- EDT8: Design And Appearance Of New Industrial and Business Premises
- EDT14: Farm Diversification
- EDT16: Re-Use of Rural Building For Industrial And Business Use
- NBE 8: Landscape Character
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

Other:

ISSUES:
1. The main issues to consider in respect of this particular application, having regard to the relevant provisions of the development plan, national guidance, comments from the Parish Council and the public are:

   a) Whether the development represents the acceptable re-use and adaptation of the existing building;
   b) The impact of the development on the local environment and, in particular, the residential amenity of the occupants of nearby residential properties;
   c) The impact of the development on the character and appearance of the building and its surroundings;
   d) Whether there would by any highway safety implications;
   e) Drainage and flood risk.
2. The application seeks to re-use and adapt part of an existing agricultural storage building, which was extended and approved to house livestock in 2003. The applicant has since developed an egg production business on the site, the scale of which warrants a permanent presence on site. Whilst the soundness of the financial model upon which the existing business is based has been raised by the Parish Council and nearby residents, the building subject of this application, is not fundamental to the operation of the existing enterprise. It is used for storage of agricultural equipment and is currently under-utilised. Adopted Local Plan Policy SF4 deals broadly with development in the countryside and is supportive of development that represents the acceptable re-use, adaptation or extension of an existing rural building provided the proposal is appropriate in scale and nature to a rural area, preserves the character and appearance of the countryside and minimises any adverse impact on the local environment. The provisions are echoed in Policy EDT16, which deals specifically with the re-use of rural buildings for industrial and business use. Policy EDT14 deals specifically with farm diversification and advises that planning permission will be granted for proposals to diversify the operation of an existing agricultural operation, provided that it makes full and effective use of existing on-holding buildings in preference to new buildings and does not have an adverse impact upon the character and appearance of the immediate or wider landscape. It is recognised that in close proximity to residential properties, barking dogs can be a source of noise nuisance. In the case of the part of the building to be adapted / re-used, it would be sited 180m away from the nearest dwelling. Taking the above into consideration the development would, it is considered, represent acceptable re-use of the building in principle, having regard to the nature of the development, location of the site and its context.

3. An important consideration is the degree to which the occupants of nearby residential properties would be affected by the proposed development. It is proposed that the kennels will accommodate up to 7 dogs, 4 guest boarders and 3 of the applicants own dogs (although when visiting the site in December 2015 it appeared that the situation had changed as a result of the applicants dogs having pups). The updated noise assessment is still based on the assumption of the aforementioned mix and the application has been assessed on this basis. As opposed to sealing the kennels the applicant now proposes to clad the front facade of the main building. In addition to cladding the exterior of the building a range of noise attenuation measures are recommended in the accompanying noise assessment, including surfacing the whole of the internal concrete panel and kennel external block work in a 50mm mineral fibre matting and lining the Yorkshire boarding inside the building in solid Perspex or similar lining. The Head of Environmental Health is satisfied that provided the range of sound insulation measures / recommendations set out the report are carried out and maintained, noise levels will be within acceptable limits (albeit at the upper end of WHO standards) and will not give rise to justifiable complaints of dogs barking as a source of noise nuisance. A series of conditions are recommended to secure the sound insulation measures / recommendations and the number of dogs and when and where they will be exercised. Given that a pair of solid timber doors are proposed in the front facing elevation of the building it is also considered appropriate to include a condition which requires the doors to be closed at all times, other than when being used to access the building. It is also recommended that the previously recommended condition limiting the number of dogs and the time when and location where exercising will take place (the details of which are set out in the accompanying noise assessment). The noise assessment states that any requirement for ventilation, be it free flow or forced / induced draught must ensure that there is no flanking to breakout sound and must offer a minimum 30dB(A) reduction to internal sound levels.
This can also be made a condition of any permission to safeguard the residential amenity of the occupants of nearby dwellings.

4. The proposal to introduce mesh doors within the exterior walls of the kennels has resulted in the need to make some alterations to the exterior of the building in order to mitigate noise. The changes are, however, limited to the facing of the front elevation of the building in concrete panels and Yorkshire boarding to match the other elevations and the insertion of timber doors. As such, there would be no adverse impact on the buildings appearance / character and appearance of this part of the countryside. With regard to the changes to the kennels and building the writer of the noise assessment advises that they are not an expert in animal welfare and that advice should be sought from relevant sources. The operation of boarding kennels will require a license from the District Council and consideration will be given to the suitability of the kennels for boarding purposes at that time.

5. Subject to the access being modified to achieve visibility splays of 2.4m x 31m in both directions, the Local Highway Authority raise no objections. The Highway Authority have advised with regard to the mature trees to the south west of the access, which are important features within the landscape, that they can be retained provided the vegetation around the truck (up to a height of 1.5m) is removed. The use would be served by an appropriate level of off street parking (which is shown on an existing area of hardstanding in front of the building) and manoeuvring space.

6. Concerns relating to drainage and flooding have been raised by a several local residents. The Flood Risk Management Team have advised that they are aware of historic flood issues approximately 180m to the east of the proposed site. The development is unlikely, however, to affect surface run off from the site, being wholly contained within an existing building. Furthermore, no new areas of hardstanding are proposed. The washing down of the kennels is unlikely to cause or exacerbate existing flooding problems in the area.

7. Taking the above into consideration, the development in its revised form is considered to represent acceptable re-use and adaptation of the existing building in this case and would not have any significant adverse impacts on the local environment, including the residential amenity of the occupants of nearby residential properties, highway safety or flooding. Accordingly, it is recommended that the application be approved, subject to conditions.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. ST02a – Time Limit on Full

2. Before any other operations are commenced the sites existing vehicular access to Shirley Lane shall be modified to provide with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 31 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. The trees to the south west of the access shall be retained and the vegetation around the trunks be cleared up to a height of 1.5m
3. No new areas of hardstanding to serve the kennels hereby approved shall be formed without the prior written approval of the Local Planning Authority, having received details of the surface treatment, any associated drainage and subsequent maintenance beforehand. The hardstanding shall thereafter be laid out, drained and maintained in accordance with the approved details.

4. This permission relates solely to the part of the building to be re-used for kennels set out in drawing numbered 492/03. No more than 7 dogs shall be accommodated within the kennels and no more than 2 dogs (other than the applicants own dogs) exercised in the designated exercising areas set out in the Environmental Noise Survey and Impact Assessment by Encon Associates dated October 2015 (Revision A – January 2016) at any one time. The exercising shall be as stated in the aforementioned Environmental Noise Survey and Impact Assessment and the kennels and works to the existing building carried out in strict accordance with table 6 and the specifications set out at paragraph 8.6 (page 34). The works (included within paragraph 8.6) shall be fully implemented prior to the kennels being brought into first use and maintained thereafter in perpetuity and the kennels managed in accordance with the good management practice bullet points set out at paragraph 9.4 (page 37).

5. Any ventilation of the kennels, be it free flow or forced / induced draught must involve no flanking to breakout sound and must offer a minimum 30dB(A) reduction to internal sound levels, unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. ST02a.

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

3. To minimise the risk of flooding in accordance with guidance contained within the National Planning Policy Framework (2012).

4. For the avoidance of doubt and in the interests of safeguarding the amenities of the occupants of nearby residential properties in accordance with the aims of Policies SF4 and EDT16 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5. In the interests of safeguarding the amenities of the occupants of nearby residential properties in accordance with the aims of Policies SF4 and EDT16 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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

2. The applicant is advised that good hygiene is maintained at all times and all wastes disposed of swiftly and the kennels kept clean to prevent nuisance from odours occurring and also to control pests food should be stored in pest proof containers at all times.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered 492/04;
1:200 Scale Proposed Block / Site Layout Plan numbered 492/03;
1:50 and 1:100 Scale Proposed Kennels Elevations and Floor Layout Plan numbered 318/01 received by the District Council on the 28th April 2015, and;
### PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

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**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 4 November 2015

by N McGurk BSc (Hons) MCD MBA MRTPi

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

Decision date: 15 December 2015

Appeal Ref: APP/P1045/W/15/3119169
Land east of Glebe Farm, Doveridge

- 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 and Mrs Chadwick against the decision of Derbyshire Dales District Council.
- The application Ref 15/00048/FUL, dated 27 January 2015, was refused by notice dated 25 March 2015.
- The development proposed is the erection of a single storey dwelling on land east of Glebe Farm, Doveridge.

Costs

1. An application for costs was made by Mr and Mrs Chadwick against Derbyshire Dales District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The site address above is taken from the application form. No postcode is provided on the application form, appeal form or decision notice.

4. Two recent applications for the erection of a dwelling were withdrawn.

5. The appellants state that they cannot find any record of the Council informing them or their agent "with respect to comments from highways." I note that, with specific regards to restricted visibility, the Council’s officer’s report refers to responses by the Highway Authority to the previously withdrawn applications. There is nothing before me to demonstrate that the Council purposefully withheld information or failed to respond to requests from the appellants for information.

6. The Highway Authority consultation response, dated 6 March 2015, has been provided and the Highway Authority has provided further evidence objecting to the proposal on the grounds of highway safety. I note that the Framework is clear in its requirement for development to create safe and accessible environments (Para 58).

1 Ref: 14/00619/FUL; 14/00147/FUL.
Main Issues

7. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on highway safety; and its effect on flood risk.

Reasons

Character and appearance

8. The appeal property is located in the open countryside adjacent to the settlement of Doveridge. It is rectangular in shape and comprises a flat area of land, partly hard-surfaced and partly greenfield.

9. There are agricultural buildings and living accommodation including a converted barn to the south west and west of the site, respectively, and open agricultural land to the south east and east. Lower Street is located to the north, from which the site is accessed. During my site visit I observed that, in this location, Lower Street is a narrow, unpaved and unlit country lane and a number of agricultural buildings and houses are accessed from it.

10. Also during my site visit, I noted that the appeal site and the adjoining field are separated from Lower Street by a hedgerow, around and over which are extensive views across the open countryside to the south of Doveridge. As open land adjoining countryside and bordered by a hedgerow, the appeal site makes a significant contribution to the green, open and spacious qualities of the area.

11. Further to the above, whilst there are a number of dwellings that are accessed from and seen from Lower Street, I consider that the over-riding characteristic of the area is rural. This results from a combination of factors, including the country lane appearance of Lower Street, the presence of hedgerows, farms and agricultural buildings, the rural vernacular of many dwellings in the area and notably, the presence of significant gaps of open land, free of buildings, between small clusters of buildings. The appeal site lies within one such gap.

12. The proposed dwelling would comprise a building of substantial length and would be located within an open area where no building currently exists. As a consequence of this, it would, I find, urbanise an area of open countryside to the detriment of the green, open and spacious qualities identified above.

13. Furthermore, I find that the design of the proposed dwelling, including its long narrow footprint and modern domestic appearance would lead it to appear out of keeping with its surroundings. It would share few, if any, of the rural vernacular features apparent in the area and would simply appear as a new modern dwelling in the open countryside.

14. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to the Framework and to Local Plan\(^2\) policies SF4, SF5 and NBE8, which together amongst other things, protect local character.

\(^2\) Derbyshire Dales Local Plan (2005).
**Highway Safety**

15. The site has an existing vehicular access. Whilst this access does not meet the requirements set out in Manual for Streets, further to my site visit and consideration of the evidence before me, I am satisfied that a new access, with visibility splays that would meet the requirements of the Highway Authority, could be provided.

16. In addition to the above, I find that the addition of one house would not result in a significant increase in traffic and that the proposal would improve an existing access.

17. Taking the above into account, I find that the proposal would not harm highway safety and would not conflict with the Framework and Local Plan policy TR1, which together amongst other things, seek to provide a safe environment. However, the potential for the improvement of an existing access is not a factor that outweighs the significant harm identified above.

**Flood Risk**

18. Part of the appeal site lies within Flood Zones 2 and 3. The Framework requires local planning authorities, when determining planning applications, to ensure that flood risk is not increased elsewhere. Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific Flood Risk Assessment (FRA) following the Sequential Test, and if required the Exception Test, further measures specified in paragraph 103 of the Framework, can be demonstrated. The Sequential Test is therefore the starting point for consideration of the proposed development.

19. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The appellant has submitted an FRA. However, this simply refers to an exercise whereby “Rightmove” was used to see if any development sites are for sale within a mile of Doveridge. I consider this to be a wholly insufficient analysis of whether there may be other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

20. There is no substantive evidence before me to demonstrate that consideration of what might be being advertised on “Rightmove” within a mile of Doveridge amounts to a comprehensive, or definitive source of information relating to reasonably available sites in areas with a lower probability of flooding. In this regard, I am mindful of the Council’s comment that no account, for example, was taken of sites identified as being available for development as part of its “Call for Sites” exercise.

21. Taking the above into account, the FRA does not provide substantive evidence such that I can conclude that there are no reasonably available alternative sites at locations where the risk from flooding is less.

22. Consequently, I find that the proposal fails the Sequential Test due to the provision of insufficient evidence and that it therefore runs contrary to one of
the fundamental aims of government policy. This adds weight to the harm identified above.

Conclusion

23. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR
Appeal Decision

Site visit made on 19 December 2015

by Mr JP Sargent  BA(Hons) MA MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2016

Appeal Ref: APP/P1045/W/15/3134612
Ivy House, Marston Lane, Doveridge, Derbyshire DE6 5JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Simon Slifkin against the decision of Derbyshire Dales District Council.
- The application Ref 15/00441/VCOND, dated 26 June 2015, was refused by notice dated 25 August 2015.
- The application sought planning permission for the change of use and conversion of storage barn to ancillary residential accommodation and holiday let accommodation without complying with a condition attached to planning permission Ref 12/00695/FUL, dated 21 January 2013.
- The condition in dispute is Condition 2 which states:
  The holiday let unit hereby approved shall provide for temporary holiday accommodation only. No person shall occupy the unit 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. A register of all occupiers of the holiday accommodation, detailing dates of occupation, names and usual addresses, shall be maintained by the owner(s) and a copy shall be provided to the Local Planning Authority in writing by no later than 31 December each year.
- The reason given for the condition is:
  The proposed holiday let accommodation is located where new unrestricted residential occupation would be unsustainable and contrary to the aims of Policies SF4, H4 and H5 of the Adopted Derbyshire Dales Local Plan (2005).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are whether the building is in an unsustainable location for permanent residential occupation and whether a contribution to affordable housing is justified.

Reasons

Is the location unsustainable?

3. This appeal concerns an outbuilding at a former farm that has been converted into holiday accommodation following the grant of permission 12/00695/FUL. The Appellants are now seeking to use the building in non-compliance with
Condition 2 on that permission, as they contend there is a demand for long term occupancy by employees at nearby factories and by others.

4. The site lies outside any Settlement Framework boundary in a small cluster of properties. It appears to have no services in the immediate vicinity, and is located away from the nearest settlement of Doveridge. Moreover, the lane between Doveridge and the site is not well lit with limited pavements. When these factors are taken together, I consider it unlikely that residents of the property would travel to and from the site by foot, by public transport or by bicycle. Rather, they would be reliant upon the car for accessing even the most basic of services and, as there are few houses around, there would be little opportunity for joint trips with other neighbouring residents.

5. In coming to this view I accept that anyone using the property now for holiday purposes would no doubt be similarly reliant on their car. However, the travel patterns of those on holiday are appreciably different to those of permanent residents, as the necessary regular trips often undertaken on a daily basis are not as common. Rather, there is an expectation of more leisurely car-based recreation to visit attractions in the wider surrounding area that would occur irrespective of its location to services. Therefore, to my mind the acceptance of holiday accommodation here does not necessarily bind me when considering permanent accommodation.

6. Accordingly I conclude the use of this property as a permanent dwelling would result in an undue reliance on the car to access even the most basic of services, and so in this regard it would be contrary to the aims of sustainability, in conflict with the National Planning Policy Framework (the Framework).

**Whether a contribution to affordable housing is justified**

7. Policy H4 in the Derbyshire Dales Local Plan (the Local Plan) says that outside Settlement Framework boundaries planning permission for housing will be granted if, amongst other things, it consists of affordable housing for an identified need. Local Plan Policy H12 also confirms the Council will seek to negotiate a financial contribution to affordable housing outside Settlement Frameworks. There is no distinction in these policies between conversions and ‘new-build’ housing and indeed the supporting text to Policy H5 (which relates to conversions) expressly states that when considering that policy Policy H4 must also be taken into account.

8. Policies H4 and H12 can therefore allow the provision of residential accommodation in locations where there is nonetheless reliance upon the car, if it allows for housing that is affordable in nature, and the Council has indeed indicated an acceptance of a dwelling here on that basis. This is because, in my opinion, the benefit of contributing to the social role of sustainable development could be seen to outweigh the harm identified. Therefore, an obligation securing affordable housing may well be necessary to allow such developments to proceed.

9. The Council said there is a local need in the area for a 4-person/2 bedroom property, and hence it is pursuing an affordable housing contribution. A formula for calculating this contribution is in the Council’s Supplementary Planning Document (SPD) entitled Affordable Housing. In this case the Appellants have to pay some £34,510, which equates to 33% of the cost of such a 4-person/2 bedroom property.
10. However, this formula applies to all new dwellings, irrespective of their size or value. Furthermore, the SPD says that if there is not sufficient value to make the stated level of contribution, then a revised figure can be negotiated based on a financial appraisal from the developer. This flexible approach broadly accords with the Framework and the *Planning Practice Guidance*, which stress that where affordable housing contributions are being sought the obligation should not prevent the development going forward by threatening the viability.

11. Mindful that this appeal concerns a one bedroom unit, if suitable evidence was submitted the Council would have to consider whether its requested figure was too high and a lower one is justified. However, the Appellants have clearly stated they are seeking to make no contribution to affordable housing, but they have not supported this with adequate financial information. Therefore in the light of the policy requirement there is not sufficient detail before me to conclude there is no need for any contribution in this instance.

12. In coming to this view I have noted the Appellants have said that, as private individuals, they should be treated differently to commercial housing developers. However, I see no basis for such an approach, and that distinction would not affect the planning merits of this case. While they have said they have no intention of selling the building there is nothing before me to ensure their ownership continues. I am aware that because of its size the proposed house is unlikely to be expensive, but that does not mean it should be defined as affordable in planning terms. Reference was made to the site thresholds in Local Plan Policies H10 and H11, but as those policies relate to affordable housing within settlements they are not applicable in this instance. Finally, it was said that the Government no longer sought affordable housing on schemes for less than 10 houses. However, while that was the position when the application was lodged, following the High Court’s judgment in *R (on the application of West Berkshire District Council and Reading Borough Council) v SSCLG* [2015] EWHC 2222 (Admin) on 31 July 2015 it is not now the case.

13. Accordingly I have no basis to consider that no contribution to affordable housing is justified in this instance, and so the proposal would not accord in this respect with the Framework or Policies H4 and H12 in the Local Plan. Therefore on the evidence before me the Appellants’ position in relation to affordable housing does not justify upholding the appeal given the harm identified.

**Other matters**

14. In recognition of the value of reusing existing buildings Local Plan Policy H5 accepts their conversion to residential use outside defined Settlement Frameworks but only if, amongst other things, they are not suited to conversion to tourism. While the Appellants have said there is a demand for the long-term occupation of this unit, to my mind they have not demonstrated that there is no tourism need for the property. Rather, they accept that if the appeal were to be allowed, they would then have the choice of using the building for either permanent or holiday accommodation. Therefore, allowing the appeal would not accord with Policy H5.

15. The Appellants have also stated the proposal would comply with the bullet points of paragraph 55 in the Framework. However, they have not shown it is ‘essential’ for a rural worker to live here, the proposal is not bringing a redundant building into use and would not affect the setting and, given the
extant permission for holiday accommodation, I am not satisfied that a permanent residential occupation is the optimal viable use for the property, even if it were to be deemed a heritage asset. Finally, I have no reason to consider the conversion is of a standard that can be defined as of an 'exceptional quality or innovative nature’. Therefore that paragraph does not offer a basis to allow the appeal.

16. Although the separation between the main elevations of the appeal property and the Appellants’ house is limited, the window arrangement and the fact that it is already used as holiday accommodation mean this relationship would not be unsatisfactory.

17. The Local Plan dates from 2005, but I am aware of no material inconsistencies with the Framework in the cited policies. Although I appreciate that sustainable development is defined as comprising 3 distinct dimensions, the harm resulting from its location is sufficient to mean the proposal cannot be treated as being sustainable development. While this one dwelling would contribute to the supply of housing in the district, any benefit resulting from this, which is the only benefit of the scheme I can identify, would be so slight it would not outweigh the harm identified.

Conclusions

18. Accordingly, I conclude this proposal would constitute development in an unsustainable location and it has not been shown no contribution to affordable housing is justified. In the absence of any benefits to outweigh this harm it would be contrary to Policies H4, H5 and H12 in the Local Plan and the Framework.

JPSargent

INSPECTOR
Appeal Decision

Site visits made on 14 December 2015 and 5 January 2016

by Melvyn Middleton BA(Econ) DipTP DipMgmt MRTP

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

Decision date: 20 January 2016

Appeal Ref: APP/P1045/W/15/3134603
Longway Bank Wood, Whatstandwell, Derbyshire, DE4 5DS

- 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 East Midlands Land and Property Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 14/00894/FUL, dated 23 December 2014, was refused by notice dated 20 March 2015.
- The development proposed is change of use of woodland to Holiday Lodge Park (for 30 holiday lodges, bistro lodge and reception lodge) with associated infrastructure.

Decision

1. The appeal is dismissed.

Main Issues

2. From all that I have read and seen I consider the main issues to be

   a) Whether the proposal would be sustainable development within the context of the Derbyshire Dales Local Plan (LP) and the National Planning Policy Framework (Framework);

   b) The effect of the proposal on the character and appearance of the countryside; and

   c) The impact of the proposal on protected and notable species.

Reasons

3. The appeal site is a sloping area of mature coniferous woodland, known as Kings Lot. It rises above and to the south of the B5035 between Whatstandwell and Wirksworth. It is located within a steeply sided and wooded part of the Derwent Valley, which is a World Heritage Site.

4. 30 timber holiday lodges would be constructed on the site, together with a bistro restaurant and a reception/shop. The buildings would be located in two tiers and set back from the road by upwards of 35 metres and for the most part set at right angles to it. An access into the site that has already been approved for forestry purposes would be used. A turning area for large vehicles would be provided close to the site entrance and the proposed location of the reception and bistro. A loop road would extend from this to the east to provide access to the cabins.
Sustainable development

5. The relevant policies of the Derbyshire Dales Local Plan (LP) seek to ensure that development reflects the aims and objectives of sustainable development, particularly with regard to protecting the quality of the environment. Although adopted in 2005, I consider these aspects of the LP to be broadly consistent with the advice in the National Planning Policy Framework (Framework), as required by paragraph 215 of that document.

6. Whilst saved LP Policy EDT19 supports some tourism development outside of ‘Defined Settlement Frameworks’ and in the countryside, this is confined to proposals that adapt or convert existing buildings. The proposal is clearly contrary to this policy. However, this policy when originally drafted was not intended to apply to new build tourist accommodation.

7. Furthermore the Framework supports economic growth in rural areas and the proposal would provide jobs and income at both the construction and operational phases of the development and this would help to support the rural community. Saved Policy EDT19 is not consistent with these aspirations of the Framework. Nevertheless, both the Framework and the Planning Practice Guidance require such developments to respect the character of the countryside.

8. In addition the Framework, in Section 10, requires planning to help secure a radical reduction in greenhouse gas emissions and to support the move to a low carbon future by planning for new development in locations which reduce greenhouse gas emissions. In section 4 it also encourages the use of sustainable transport.

9. The appeal site is in a relatively isolated location and a considerable distance away from facilities and public transport. Whilst both buses and trains are to be found in the Derwent valley, access to both on foot would not be easy. The walk to Whatstandwell is nearly 2km down a fairly steep hill on a rural road with no footpaths or street lighting and some bends. Whilst the walk to the bus stop at Homesford Cottage, at about 600 metres, is closer that is down an even steeper hill and on an unmade footpath that is not in the best of condition. I am consequently not persuaded that many users of the site would walk to the public transport nodes if they had a car available as an alternative. Without a shuttle bus this site would not be accessible to those without their own transport and is consequently socially exclusive.

10. I note the Appellant’s stated intention to provide an hourly bus service from the site to Matlock, presumably during the holiday season. However, there is no information accompanying the appeal to demonstrate that such a service would be economic and could therefore be reasonably expected to be achieved through a condition. Alternatively there is no legal agreement that would guarantee its implementation, if the appeal were to be allowed. I therefore consider the hourly bus service to be no more than an aspiration and can consequently award it no more than minimal weight.

11. Whilst I recognise the need to improve tourism facilities in the area and note the support from local tourism organisations, this is not a particularly sustainable location for holiday accommodation. Even if there are no longer
appropriate sites within the now out of date 'Defined Settlement Frameworks', my site visit suggested that there were potentially far more sustainable opportunities for such a development, in the rural part of the area, than the appeal site.

12. Despite the economic benefits of the proposal that I have identified, I do not consider them to be such that they would outweigh the social and environmental harm that stems from the appeal site's relative isolation and its consequent accessibility problems. I conclude that the proposal is not sustainable development within the context of the LP and the Framework.

Character and appearance of the countryside

13. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Saved LP Policy SF4 permits development in the countryside if it assists the growth of tourism and if it preserves or enhances the character and appearance of the countryside. LP Policy NBE8 requires development to protect or enhance the character, appearance and local distinctiveness of the landscape. However, in doing this the policies take an either or approach rather than one that assesses the relative harm involved and awarding weight accordingly, which is the approach of the Framework. In this context they cannot be given full weight.

14. The local landscape is characterised by woodland that is mainly coniferous plantations, interspersed with grass paddocks bounded by stone walls. Built development is sparse and largely restricted to isolated farmsteads and dwellings. Despite the presence of some deciduous trees close to the lane, which need not be felled, it did not seem to me that a development as close as 35 metres from the road could be effectively screened by this vegetation in summer let alone in winter. I note that the coniferous trees are mature and likely to be felled in any event but in the medium and long term the construction of the approved forestry building and the replanting of the woodland would have far less of an urbanising impact upon the site than the construction of 32 holiday buildings. Similarly, the site's conversion to an agricultural use or even if left to regenerate as natural woodland, would have a substantially reduced impact on the character and appearance of the countryside than the appeal proposal.

15. The retained deciduous planting could be strengthened by new specimens, including some evergreen shrubs but it would take a number of years before this could provide an effective screen. The difficulty in achieving this would be accentuated by the sloping nature of the ground, which would result in the buildings sitting above the road. There would also be a need for significant earthworks to accommodate the loop road at appropriate gradients as well as to provide terraces for car parking, chalet access and sitting out areas.

16. I accept that the illustrated stone walling at the entrance and the rustic nature of the proposed buildings would minimise the urbanising impact of the development. I also note the existence of holiday lodges elsewhere in the local area. Nevertheless, this proposal is not characteristic of the local countryside landscape and it would be harmful to it. Whilst noting the Landscape and Visual Impact Assessment that was prepared for a similar
proposal at a nearby site, I conclude that the proposal would not preserve, protect or enhance the local countryside landscape and is contrary to LP Policies SF4 and NBE8. These considerations also give added weight to my conclusion above that this proposal should not be considered to be sustainable development within the overall meaning of the Framework.

**Protected and notable species**

17. In circumstances where development is likely to have a direct or indirect adverse impact upon protected species, LP Policy NBE5 requires an overriding need for the development to be demonstrated and/or for compensatory measures to be put in place to allow the status of the species to be maintained or enhanced. The Framework also requires development to minimise its impact on biodiversity and at paragraph 119 says that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered.

18. There is evidence that White Clawed Crayfish and Great Crested Newts could inhabit adjacent areas and possibly a part of the appeal site in the case of the latter. The proposal involves an effluent treatment plant that would discharge into an adjacent watercourse that the former is known to inhabit. That species is intolerant of pollutants and it is essential that waste treatment and its discharge do not impact on the Crayfish. Whilst I note that the Environment Agency has not objected to the proposal, I am also aware that it had issued a permit for the discharge of waste from the site before it became aware of the presence of Crayfish. In such circumstances it had little alternative other than to recommend a condition.

19. White Clawed Crayfish and Great Crested Newts are protected species under the Conservation of Habitats and Species Regulations (2010) and the European Habitats Directive (1992). Section 9 of the Wildlife and Countryside Act (as amended), makes it an offence to damage or destroy any place that they use for shelter or protection. Government advice is now contained in paragraph 118 of the Framework, which sets out a number of principles that decision makers should follow. They include the refusal of planning permission for development that results in the loss or deterioration of irreplaceable habitats. The ‘Standing Advice’ on these protected species, issued by Natural England, also requires appropriate surveys to be carried out at water bodies close to proposed development sites. Despite the acknowledged existence of a pond close to the site’s eastern boundary it has not been surveyed.

20. Circular 05/09 advises that ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances’.

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1 ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system
21. The circumstances of this appeal do not appear to me to be exceptional. The condition suggested by the Environment Agency would in any event not prevent the development from being implemented even if it was considered that the submitted plan did not adequately safeguard the protected species. I therefore consider the species protection objectives to be unenforceable and the condition inappropriate.

22. The Appellant's Extended Phase 1 Habitat Survey does not identify the presence of White Clawed Crayfish or the potential for the presence Great Crested Newts in the area. It can hardly be considered to be adequate in such circumstances. I am satisfied that there is sufficient information to enable the impact on the established presence of badgers in the area to be mitigated by appropriate conditions. Nevertheless, the introduction of human activity into the area would adversely affect their habitat and foraging activities and would weigh against the proposal in a minor way in an overall sustainability balance.

23. I conclude, on the basis of the information before me that the proposal could have an adverse impact on protected and notable species. It is consequently contrary to LP Policy NBE5, the advice in the Framework and from Natural England.

Other matters

24. I have been referred to two appeal decisions for similar facilities. The one at the neighbouring site was dismissed for reasons that reflect some of my concerns over this proposal. The information before me does not suggest a close parallel with the Lincolnshire appeal. Neither decision supports a favourable outcome for this appeal.

Conclusion

25. I conclude that the proposal would not be in accordance with the DP or sustainable development within the context of the LP and the Framework. It would also have an adverse effect on the character and appearance of the countryside and could adversely impact on protected and notable species.

26. The other material considerations, to which I have been referred, also do not indicate that planning permission should be granted. For the reasons discussed above I therefore find that the appeal should be dismissed.

M Middleton

INSPECTOR
Appeal Decision

Site visit made on 5 January 2016

by Melvyn Middleton  BA(Econ) DipTP DipMgmt MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 February 2016

Appeal Ref: APP/P1045/W/15/3134436
Longway Bank, Whatstandwell, Derbyshire, DE4 5HU

- 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 East Midlands Land and Property Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 14/00898/OUT, dated 30 December 2014, was refused by notice dated 12 March 2015.
- The development proposed is residential development of up to five detached dwellings.

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters, apart from the means of access from the B5035, reserved for subsequent approval. The means of access has already been approved, as a result of a previous permission for development associated with forestry work. A design and access statement and a sketch layout accompanied the application. The latter suggests that five individual plots, each of which would accommodate a dwelling, would be located either side of a linear access road, constructed in the form of a private drive that would lead from the already approved access point. In so far as this drawing also shows details relating to matters other than the site access, it is agreed that these are to be treated as for illustrative purposes only.

3. The design and access statement suggests that the dwellings would be located at least forty metres from the highway but it also says that the private drive would follow the alignment of an existing track through the woodland following the contours of the hillside. These aspirations are not compatible. The new site access layout plan (Dwg. No. 7981-07) shows the line of the existing track to be much closer to the road than would be needed to provide a 40 metre standoff between it and the built development. For the purpose of my decision I have assumed that at least a 40 metre standoff would be provided and I have determined the appeal on this basis.

4. Following the refusal of planning permission, the Appellant provided supplementary information to the Coal Authority in the form of a Coal Mining Risk Assessment. That organisation subsequently withdrew its objection to the proposal and the Council has indicated that works to secure the site’s stability for development could be secured by a condition. I agree and have given no further consideration to reason for refusal no. 4.
Main Issues

5. From all that I have read and seen, I consider the main issue to be whether the proposal could be considered to be sustainable development within the context of the National Planning Policy Framework (Framework).

Reasons

Development Plan

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise.

7. The DP for the area now consists of the saved policies of the Derbyshire Dales Local Plan 2005 (LP). Saved Policy SF4 controls development in the countryside and only permits it for any of five reasons. The appeal site is located in the open countryside and the proposal is not for one of the five reasons listed in the policy. The proposal is therefore contrary to this policy and the DP.

8. However, the LP development location policies have been time-expired since 2012. Paragraph 14 of the National Planning Policy Framework (Framework) says that in such circumstances planning applications should be considered in the context of sustainable development.

9. The Council accepts that it does not have a five year supply of housing land, although neither party has sought to tell me the extent of the shortfall. Nevertheless, in such circumstances and in referring the decision maker to paragraph 14, paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up-to-date.

10. The DP Policies that regulate the supply of housing within West Derbyshire District are consequently out of date. In the context of this appeal, this clearly relates to LP Policy SF4 because it refers to all land outside of the ‘Settlement Frameworks’ defined on the proposals map and they were established to accommodate development needs only until 2012. Paragraph 14 of the Framework is therefore engaged in the context of this appeal.

11. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Saved LP Policy NBE8 seeks to protect the character, appearance and local distinctiveness of the landscape. However, in doing this it takes an either or approach rather than one that assesses the relative harm involved and awards weight accordingly, which is the approach of the Framework.

12. Similarly, although for the most part the design criteria in saved LP policy SF5 should be applied at the detailed stage, the Council has refused planning permission because the proposal would not preserve or enhance the quality and local distinctiveness of its surroundings. For the same reason, as in the case of saved LP Policy NBE8, this policy does not accord well with the Framework. The same reasoning also applies to the landscape criteria in saved LP Policy SF4, which requires development to preserve or enhance the character and appearance of the countryside.
**Sustainable development**

13. Paragraph 14 of the Framework says that ‘where the relevant DP Policies are out of date, planning permission should be granted for sustainable development 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 it indicate that development should be restricted’. Among other considerations, the footnote refers to sites protected under the Habitats Directive and paragraph 119 refers to the need for appropriate assessment in accordance with this. I return to this later.

14. The Framework goes on to say that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

15. The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

**Economic role**

16. The Framework supports sustainable economic development to deliver the homes that the country needs and this is emphasised in paragraphs 17 and 18. The proposal would provide five additional dwellings at a time when the Council cannot demonstrate a five year supply of housing land. Unless additional land is released for development outside of the DP process, then it will be some time before the Council can demonstrate a five year’s supply. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract some weight.

17. The appeal site is available. In many similar circumstances a condition could ensure that reserved matters are expedited without undue delay so that development could commence at an early date and thereby make a positive contribution to the need to boost the supply of housing now.

18. There would be minor short term economic benefits to the area from the proposal in terms of jobs and expenditure as a result of the construction activities. Additional population, residing in the appeal development, would undoubtedly generate more expenditure to support local businesses, which in many rural communities are under threat. I therefore find that the proposal would contribute positively to the economic dimension of sustainability. Together these considerations attract moderate weight in favour of the proposal in the overall sustainability balance.
Social role

19. The proposal would contribute to the supply of market housing at a time when the Framework urges local authorities to boost the supply of housing. Nevertheless, whilst supporting necessary housing in rural areas, the Framework at paragraph 54 suggests that housing in such areas should reflect local needs, particularly for affordable housing and in paragraph 55 that it should be located where it will enhance or maintain the vitality of rural communities. The proposal is in an isolated location and not close to a settlement with even basic facilities such as a local shop and a public house or other community facility.

20. Saved LP Policy H12, which is consistent with the Framework, requires residential development, outside of settlement frameworks, to make some contribution towards the provision of affordable housing. Despite this, the proposal would not provide or contribute to affordable housing to meet a local need and there is no evidence to suggest that dwellings are required in this location to meet any other identified rural housing requirement. Whilst the Appellant refers to the Government’s ten point plan to boost productivity in rural areas, there is no evidence to demonstrate that market housing is required in this specific locality to assist the creation or retention of employment opportunities or that there is in-commuting into the locality that could be reduced by market housing being provided on the appeal site.

21. The appeal site’s relatively isolated location means that it is some distance away from facilities and public transport. There are shops and other facilities in Wirksworth but this is about 4km from the appeal site. This is well beyond the distance that most people would be prepared to walk to facilities and it is not an easy cycle ride. There is no public transport along this route so that residents would be mainly reliant on the use of the private car if they chose to use the services and facilities in Wirksworth.

22. Whilst both buses and trains are to be found in the Derwent valley, providing public transport to Belper, Derby, Matlock and beyond, access to both on foot would not be easy. The walk to Whatstandwell is nearly 2km down a fairly steep hill on a rural road with no footpaths or street lighting and some bends. Whilst the walk to the bus stop at Homesford Cottage, at about 600 metres, is closer that is down an even steeper hill and on an unmade footpath that is not in the best of condition. I am consequently not persuaded that persons choosing to reside at this site would walk to the public transport nodes if they had a car available as an alternative.

23. In promoting sustainable transport, the Framework at paragraph 38 says that key facilities such as primary schools and local shops should be located within walking distance of most properties. This would clearly not be the case at the appeal site. Given the physical circumstances of the area around the appeal site, the most likely scenario is therefore one where pupils would have to be transported to school by private cars, rather than walking, cycling or using public transport.

24. In the absence of any close by facilities, residents of the appeal dwellings would also have to travel to other villages, probably Wirksworth, for even their basic food and household needs or to supermarkets further afield, which is also socially inconvenient. Although five dwellings would be constructed, this would remain an isolated location that is distant from any facilities. Whilst the area
does contain a number of small hamlets, some of which are equally isolated, many are not in locations that could be considered to be locationally sustainable and their existence does not justify the appeal proposal.

25. Whilst in the absence of an up to date LP there may not be available, allocated sites within the defined ‘Settlement Frameworks’ that is not an automatic justification for allowing development anywhere. The edges of the towns and villages are still sequentially preferable as sustainable locations, for new housing development within this rural area, to isolated locations within the open countryside. There are likely to be numerous sites potentially capable of accommodating five dwellings in such locations.

26. Together these considerations attract moderate weight against the proposal in the overall sustainability balance.

**Environmental role**

**Countryside**

27. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether. The protection of the environment, in its widest sense, is one of the three ‘dimensions’ of sustainability, as set out in paragraph 7. The LP, being concerned to protect the character, appearance and local distinctiveness of the landscape at saved LP Policy NBE8 is broadly consistent with these aims although now subject to the prescriptive limitations that I discussed above.

28. The importance of recognising the countryside’s intrinsic character and beauty is one of the Framework’s core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The site is located within a part of the Derwent Valley that is a World Heritage Site. The area is regularly visited by many tourists who experience and enjoy its history and landscape. The protection of its rural character and appearance is therefore important.

29. Saved LP Policy NBE8 requires development to protect or enhance the character, appearance and local distinctiveness of the landscape. Among other things, saved LP Policy SF5 requires development to preserve or enhance the quality and local distinctiveness of its surroundings. Saved LP Policy SF4 also requires proposals to preserve or enhance the character and appearance of the countryside. The local countryside landscape is characterised by woodland that is mainly coniferous plantations, interspersed with grass paddocks bounded by stone walls. Built development is sparse and largely restricted to isolated farmsteads and dwellings.

30. Whilst I realise that the proposal, being located within a woodland setting, would to some extent be screened from views in the wider landscape, I am not persuaded that it would have no overall impact. Despite the retention of the deciduous and coniferous trees close to the lane, it did not seem to me that a development as close as 40 metres from the road would be totally screened by this vegetation in summer let alone in winter. The deciduous trees are not dense and the coniferous trees are mostly mature and often with few substantial lower branches, if any. There would also be the inevitable light
pollution and the obvious presence of the development at night from this source.

31. I note that the coniferous trees are mature and that some should be felled in any event. Nevertheless, the construction of the approved forestry building and the felling and replanting of the entire woodland would have far less of an urbanising impact upon the site than the construction of 5 dwellings and their related paraphernalia. In the medium and long term, this option and the site’s conversion to an agricultural use or even if it were left to regenerate as natural woodland, would have a substantially reduced impact on the character and appearance of the countryside than the appeal proposal.

32. Nevertheless, the retained deciduous planting could be strengthened by new specimens, including some evergreen shrubs but it would take a number of years before this could provide an effective screen. The difficulty in achieving this would be accentuated by the sloping nature of the ground, which would result in the buildings sitting above the road. There would also be a need for significant earthworks to accommodate the private drive at appropriate gradients as well as to provide terraces for car parking, building access and sitting out areas. These would inevitably impact upon the area’s appearance.

33. Consequently, the proposal would conflict with the Framework’s principle of protecting the countryside’s intrinsic character and beauty. Additionally, it would not preserve, protect or enhance the local countryside landscape and it is contrary to saved LP Policies NBE8, SF4 and SF5.

Accessibility

34. Whilst, in the absence of any shops, some residents could use home deliveries, these would use vehicles that omit greenhouse gasses and in this context the development of the appeal site would be a much less sustainable outcome than development at a site within or on the edge of a town or village with a range of local facilities, including shops.

35. Additionally, the proposal would not contribute to the reduction in greenhouse gas emissions through the use of a location for development that facilitates the easy use of sustainable modes of transport, which is also promoted by the Framework. Most people residing here and with access to a car would almost certainly always use it in preference to the arduous walks to public transport services.

36. In paragraphs 93 the Framework encourages radical reductions in greenhouse gas emissions, pointing out that it is central to the economic, social and environmental dimensions of sustainable development. Whilst the proposal is only for five dwellings, the situation could be repeated many times in this part of rural Derbyshire. Although I recognise that opportunities to maximise sustainable transport solutions vary from urban to rural areas, the appeal proposal would make no real contribution to sustainable travel. In this context, the proposal would be harmful to both the social and environmental aspects of the Framework’s interpretation of sustainability.

37. Together these environmental considerations but particularly the almost complete reliance on private transport, attract significant weight against the proposal in the overall sustainability balance.
Protected species

38. In addition, in circumstances where development is likely to have a direct or indirect adverse impact upon protected species, LP Policy NBE5 requires an overriding need for the development to be demonstrated and/or for compensatory measures to be put in place to allow the status of the species to be maintained or enhanced. The Framework also requires development to minimise its impact on biodiversity.

39. There is evidence that White Clawed Crayfish inhabit nearby water and potential for Great Crested Newts to occupy a nearby pond, adjacent areas and potentially parts of the appeal site. The proposal involves an effluent treatment plant that would discharge into an adjacent watercourse that the former is known to inhabit. That species is intolerance of pollutants and it is essential that waste treatment and its discharge do not impact on the Crayfish. Whilst I note that the Environment Agency has not objected to the proposal, I am also aware that it had issued a permit for the discharge of waste from the site before it became aware of the presence of Crayfish.

40. White Clawed Crayfish and Great Crested Newts are protected species under the Conservation of Habitats and Species Regulations (2010) and the European Habitats Directive 1992. Section 9 of the Wildlife and Countryside Act (as amended), makes it an offence to damage or destroy any place that they use for shelter or protection. The fact that signal crayfish are a greater threat to white-clawed crayfish than development, in this area, is an irrelevant consideration.

41. Government advice is now contained in paragraph 118 of the Framework, which sets out a number of principles that decision makers should follow. They include the refusal of planning permission for development that results in the loss or deterioration of irreplaceable habitats. The ‘Standing Advice’ on these protected species, issued by Natural England, also requires appropriate surveys to be carried out at water bodies close to proposed development sites. Despite the acknowledged existence of a pond close to the site’s eastern boundary, it has not been surveyed. Whilst there may be legitimate reasons for this, they are not clear to me. At paragraph 119 the Framework says that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being determined.

42. Circular 05/09 also advises that ‘it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances’.

43. The circumstances of this appeal do not appear to me to be exceptional. The condition suggested by the Environment Agency would in any event not prevent the development from being implemented even if it was considered that the submitted plan did not adequately safeguard the protected species. I

1 ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system
therefore consider the species protection objectives to be unenforceable and the condition inappropriate.

44. The Appellant’s Extended Phase 1 Habitat Survey does not identify the presence of White Clawed Crayfish or the potential for the presence of Great Crested Newts in the area. It can hardly be considered to be adequate in such circumstances. Even if I were to accept that these matters could be resolved by subsequent surveys, negotiation and mitigation that would take time such that this development would be unlikely to make an early contribution to the supply of housing as discussed in paragraph 17.

45. I am satisfied that there is sufficient information to enable the impact on the established presence of badgers in the area to be mitigated by appropriate conditions. Nevertheless, the introduction of human activity into the area would adversely affect their habitat and foraging activities and would weigh against the proposal in a minor way in an overall sustainability balance.

46. The Appellant has submitted a Biodiversity Enhancement Plan which, if implemented, would achieve positive ecological benefits. The proposed ‘ark site’, designed to safeguard white-clawed crayfish from signal crayfish is to be welcomed but there is no specific implementation detail so that I am unable to attribute any weight to it.

47. I conclude, on the basis of the information before me that the proposal could have an adverse impact on protected and notable species. It is consequently contrary to saved LP Policy NBES5 together with the advice in the Framework and that from Natural England.

48. As well as having a negative impact on the countryside landscape, the proposal has not demonstrated that it would not have a harmful impact on ecology, particularly protected species. Despite the advocated eco-friendly construction the site’s poor accessibility means that the proposal would have an adverse impact on the climate change agenda. I therefore conclude that substantial weight should be attributed to the environmental harm that the proposal could result in.

_Sustainability conclusion_

49. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Nevertheless, it is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. For the Framework’s sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.

50. Whilst the Framework encourages a boost to the supply of housing, that is not intended to come at any price. There could be minor short term economic benefits from the proposal in terms of jobs and expenditure as a result of the development. However, these are clearly outweighed by the adverse impacts the proposal would have on the social and environmental aspects of sustainability.

51. Any economic gains would be moderate and the social benefits minor. Together the social and environmental harm would be substantial. It is therefore my judgement that the adverse impacts of the appeal proposal would significantly
and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It would therefore not deliver sustainable development within the meaning of paragraphs 18-219 of the Framework. Consequently the appeal site cannot be considered to be a sustainable location for development. Regardless of my findings with regard to Framework paragraph 119, the overall sustainability credentials of this proposal mean that the provisions of paragraph 14 do not apply in any event.

**Planning balance and overall Conclusion**

52. The proposal is not in accordance with the DP. However its development policies are time expired and out of date and other policies are not entirely consistent with the Framework’s balancing approach. Additionally the Council cannot demonstrate a five year supply of housing land. Consequently the proposal falls to be determined in accordance with paragraph 14 of the Framework.

53. Nevertheless I have found that the development would not be sustainable development within the meaning of Framework paragraphs 18 to 219. Consequently the harm to the DP is not outweighed. The other material considerations, to which I have been referred, including the appeal decisions, which are not parallel situations to this appeal proposal, do not indicate that planning permission should be granted. For the reasons discussed above I therefore find that the appeal should be dismissed.

*M Middleton*

INSPECTOR