12 September 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 20 September 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 2.30pm 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 MEETING

Planning Committee – 6 September 2016

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council’s Scheme are reproduced overleaf. To register to speak on-line, please click here www.derbyshiredales.gov.uk/attendameeting. Alternatively email committee@derbyshiredales.gov.uk or telephone 01629 761133.

4.1 APPLICATION NO. 16/00420/FUL (Site Visit)  
Residential Development of 33 Affordable Dwellings and Access at Land East of Derby Road, Wirksworth.

4.2 APPLICATION NO. 16/00340/OUT (Site Visit)  
Demolition of existing buildings and erection of 10 Dwellings with Access and Layout (Outline) at The Firs, Main Road, Wyaston.

4.3 APPLICATION NO. 16/00499/FUL (Site Visit)  
Demolition of Cobbler’s Workshop / Garaging and Boundary Wall and erection of a New Two Storey Shop (Use Class A1) and Garage at Building to the Rear of 18-20 St John’s Street, Ashbourne.

4.4 APPLICATION NO. 16/00500/LBALT (Site Visit)  
Demolition of Cobbler’s Workshop / Garaging and Boundary Wall and erection of a New Two Storey Shop (Use Class A1) and Garage at Building to the Rear of 18-20 St John’s Street, Ashbourne.

4.5 APPLICATION NO. 16/00373/FUL  
Erection of Indoor Riding Arena with Access and Parking at Land for Equestrian Centre, Abbotsholme School, Rocester, Derbyshire..

4.6 APPLICATION NO. 16/00436/OUT  
Outline application for Residential Development of up to 47 Dwellings with associated Access at Land at Luke Lane, Brailsford.

5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS  

6. APPEALS PROGRESS REPORT  
To consider a status report on appeals made to the Planning Inspectorate.
Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Chris Furness, Neil Horton, Jean Monks, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Jo Wild.

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

PUBLIC PARTICIPATION
Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.

b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.

c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.

d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.

e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,

f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

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

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

j) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
SITE VISITS
Members will leave the Town Hall, Matlock at **2.30pm prompt** for the following site visits:

<table>
<thead>
<tr>
<th>Time</th>
<th>Application No.</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>2.45pm</td>
<td>APPLICATION NO. 16/00420/FUL</td>
<td>LAND EAST OF DERBY ROAD, WIRKSWORTH&lt;br&gt;Requested by Officers to allow Members to fully appreciate the site context including the relationship between site and the nearby listed buildings at Haarlem Mill.</td>
</tr>
<tr>
<td>3.35pm</td>
<td>APPLICATION NO. 16/00340/OUT</td>
<td>THE FIRS, MAIN ROAD, WYASTON&lt;br&gt;Requested by Officers to assess the impact of the development on the character and appearance of this part of the village and the local environment.</td>
</tr>
<tr>
<td>4.05pm</td>
<td>APPLICATION NO. 16/00499/FUL</td>
<td>BUILDING TO THE REAR OF 18-20 ST JOHN’S STREET, ASHBOURNE&lt;br&gt;Requested by a Ward Member to consider the impact of the development on the historic environment.</td>
</tr>
<tr>
<td>4.05pm</td>
<td>APPLICATION NO. 16/00500/LBALT</td>
<td>BUILDING TO THE REAR OF 18-20 ST JOHN’S STREET, ASHBOURNE&lt;br&gt;Requested by a Ward Member to consider the impact of the development on the historic environment.</td>
</tr>
<tr>
<td>5.00pm</td>
<td>RETURN TO TOWN HALL, MATLOCK</td>
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</table>
COMMITTEE SITE MEETING PROCEDURE

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

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00420/FUL</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Land East Of Derby Road, Wirksworth</td>
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<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Residential Development Of 33 Affordable Dwellings And Access</td>
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<td></td>
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<tr>
<td>CASE OFFICER</td>
<td>H Frith</td>
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<tr>
<td>APPLICANT</td>
<td>Westleigh Partnership Ltd</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Wirksworth</td>
</tr>
<tr>
<td>AGENT</td>
<td>Harris Lamb</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr P Slack, Cllr M Ratcliffe, Cllr I Ratcliffe</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>20.09.16</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION</td>
<td>Major development</td>
</tr>
<tr>
<td>BY COMMITTEE</td>
<td></td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To allow members to fully appreciate the site context including the relationship between the site and the nearby listed buildings at Haarlem Mill.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- Principle of the development
- Impact upon the setting of the nearby listed buildings
- Compliance with the neighbourhood plan
- Impacts upon ecology

**RECOMMENDATION**

Approval
16/00420/FUL

Land East of Derby Road. Wirksworth

Derbyshire Dales DC

Date: 09/09/2016

100019785
1. **THE SITE AND SURROUNDINGS**

1.1 The application site is an overgrown area of land with a substantial stone built dwelling located to the northern boundary of the site. The land has in the past been used as a scrap yard but has become overgrown as the site has been vacant for many years. The site slopes upwards in an easterly direction to the railway embankment at the eastern most tip of the site. There are a number of dilapidated outbuildings on the site. Access is to the west of the site to the northern end of the road frontage. The site is bounded by a stone wall to the road frontage and an overgrown conifer hedge immediately abuts this and is a prominent feature of the site within the street scene.

1.2 One the opposite side of the main road and further to the south is the site of Haarlem Mill where there is a cluster of listed buildings. Immediately opposite this application site are dilapidated buildings of little quality associated with Haarlem Mill. A short distance away on the east side of Derby Road is Adam Bede Cottage which is also grade II listed.

2. **DETAILS OF THE APPLICATION**

Planning permission is sought to erect 33 affordable dwellings on the site which will result in the demolition of the existing dwelling on site and all of the dilapidated outbuildings. All trees and shrubs would also be cleared from the site. The application in its amended form is for the following development:

- Access to the site to remain unaltered from the existing position. Boundary wall details and the site frontage will be altered.
Plots 1 and 2 are two bedroomed dwellings to be located to the north western corner of the site, adjacent to the access; these will be of stone to the front and road side elevation with brick elsewhere and a projecting gable to the front of the dwelling. Parking for three vehicles for the properties is to be provided to the rear of plot 2.

Plots 3, 4, 5 and 6 lie to the north of the new access road and are two bedroomed dwellings of red brick with chimneys and stone heads and cills to the front and brick to the sides and rear, with doors to the centre of the pair with the dwellings fronting the access road. Parking for two vehicles per property is provided to the side of the dwellings.

Plots 7 and 8 continue this line north of the access and are two bedroomed dwellings of red brick with stone heads and cills to the front and brick to the sides and rear, with doors to the centre of the pair with the dwellings fronting the access road. Parking for three vehicles for the two dwellings is provided to the front of the dwellings.

Plots 9 to 11 are a terraced row of three properties sited to the north east corner with the eastern most dwelling slightly elevated above the rest of the row. The dwellings are to be of red brick with stone heads and cills to the front and brick to the sides and rear. Parking for 5 vehicles is to be provided to the front of these properties.

Plots 12 to 15 is a terraced row of four dwellings along the eastern boundary with the first dwelling (plot 12) having a gable projection to the front elevations to reflect the design to the site frontage on plots 2 and 33, the properties are to be of red brick with stone heads and cills with a chimney to the end property (plot 12). Parking for 5 vehicles is to be provided to the front of these properties.

Plots 16 to 18 is a row of three properties also along the eastern boundary set slightly forward of the adjacent plots 12 to 15. These are to be two bedroom properties of red brick with stone heads and cills to the front. Parking for four vehicles is to be provided to the frontage of these properties. A further two parking spaces are provided off set from the front of the dwellings to provide two spaces for plot 18 with a store adjacent to this.

Plots 19 to 22 which has the appearance of a pair of dwellings will provide four one bedroom flats. The properties will be of red brick with stone heads and cills to the front and side elevations and chimneys to either end of the roof. Two parking spaces and a cycle store are provided to the east of plots 19 to 20 with an area of public open space to the frontage of these plots providing a green area to the centre of the site.

Plots 23 to 26 are situated at right angles to plots 19 to 22 and have the appearance of a terraced row. The properties will be of red brick with stone heads and cills to the front elevation. Parking spaces for 7 vehicles are provided to the front of these properties.

Plots 27 and 28 are located to the south west of the site fronting the main road and are three bedroom properties of red brick with chimneys to each property and stone heads and cills with brick to the heads and cills of the rear elevations. The doorways are proposed within the centre of the pair. Parking spaces for 4 vehicles are to be provided to the rear of these dwellings beyond a boundary fence to 1.5m in height.

Plots 29 to 31 are a terraced row of three bedroom properties fronting the main road of red brick with chimneys to each property with stone heads and cills with brick to the heads and cills of the rear elevations. Parking spaces for 4 vehicles are to be provided to the rear of these dwellings beyond a boundary fence to 1.5m in height.

Plots 32 and 33 are two bedroomed dwellings to be located to the north western corner of the site, to the south of the access. The properties will be of stone to the front and road side elevation with brick elsewhere and a projecting gable to the front of the dwelling. Parking for 6 vehicles for the properties is to be provided to the rear of plots.

The applicant’s agent has provided the following detailed documents in support of the proposal:

Design and access statement detailing the site and surroundings and setting the concept for the site.

Arboricultural report which concludes that most of the trees on the site are of low value. The development will involve the removal of most of the trees. Only the trees to the eastern
boundary which are the most significant trees on the site will be retained and protected through construction.

Drainage strategy and flood risk assessment detailing a drainage strategy for the site.

Extended phase 1 habitat survey which is dated September 2014 and confirms the presence of bats in the locality and a potential maternity roost on site. Reptile survey dated October 2014 advises although no reptiles were found best practice for mitigation should be followed to ensure no harm to species.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

1. **Adopted Derbyshire Dales Local Plan (2005)**
   - SF4: Development in the Countryside
   - SF5: Design and Appearance of Development
   - SF6: Protection of the Best Agricultural Land
   - SF7: Waste Management and Recycling
   - SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   - H4: Housing Development Outside of Settlement Framework Boundaries
   - H9: Design and Appearance of New Housing
   - H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   - NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   - NBE6: Trees and Woodlands
   - NBE7: Features Important in the Landscape
   - NBE8: Landscape Character
   - NBE12: Foul Sewage
   - NBE26: Landscape Design in Association with New Development
   - NBE27: Crime Prevention
   - CS8: Provision of Community Infrastructure
   - TR1: Access Requirements and the Impact of New Development
   - TR2: Travel Plans
   - TR3: Provision for Public Transport
   - TR8: Parking Requirements for New Development
   - L6: Outdoor Playing and Play Space in New Housing Developments

Other:
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Derbyshire Dales Local Plan:
  - Policy S3: Settlement Hierarchy which notes Wirksworth as a market town within the first tier
- **Wirksworth Neighbourhood Plan**:
  - Policy NP3: Sites with concept statement
  - Policy NP4: Size of new homes and space standards
  - Policy NP5: Principal residence homes
  - Policy NP6: Quality of residential development
  - Policy NP7: Energy-saving standards for new dwellings
  - Policy NP19: Provision for pedestrians and cyclists
  - Appendix 5: Concept statement for the Ward’s Yard site, Derby Road.

  - The concept statement for the site provided the following guiding principles for the development of the site:
    - The development should be guided by the aim of creating a natural, logical and visionary extension to Wirksworth. Design should acknowledge the qualities of Wirksworth in landscape context and settlement character.
    - A view through the site to the railway line beyond should be preserved.
• Low energy design should be maximised considering building orientation and passive solar design.
• Prioritise pedestrians over vehicles to create a high quality environment.
• Home zone principles should be fully considered.
• A rich and varied townscape character complementary of Wirksworth is required.
• The identity should be distinctive, progressive, contemporary, respectful and innovative.
• Variety of built forms and materials.
• Juxtaposition of profiles and exposed gables
• Street lines and building lines should be non-linear.
• Rigorous site appraisal is required.
• Significant trees should be preserved.
• Mix of density
• Development of 2-3 storey units and apartments.
• Short terraces and or semi-detached properties.
• Apartments in two storey buildings.
• There should be no bungalows.
• Parking in off street bays or on street.

  o The site is within character area 29b where it is noted that development should improve the ‘gateway’ to the town and pay attention to advertising signs, boundary treatment and soft landscaping. Development should improve pedestrian access to Snowfield View.

4. RELEVANT PLANNING HISTORY:

  DDD/1297/0768 Use of land as breakers yard – Renewal of permission WED/1194/0732 – Granted subject to time limit.

  WED/1194/0432 Renewal of planning permission for use of land as breakers yard (WED/1189/1010) - Granted subject to time limit.

  WED/1189/1010 Renewal of consent for scrap yard (WED/0285/0107) - Granted subject to time limit

  WED/0285/0107 Scrap Yard – Granted subject to time limit

  WED/1279/846 Use of part of farm for storage and dismantling of vehicles – Refused

  WIR/1163/4 Use of land for housing development – Refused.

5. CONSULTATION RESPONSES:

  Parish / Town Council

  5.1 The Town Council welcomes the addition of further affordable housing within the area. However it is disappointing that there is little reference to the adopted neighbourhood plan, nor to the plan's character guidance. As submitted, the proposal conflicts with NP Policy NP2 (Quality & character of development), NP4 (space standards) and NP6 (quality of residential development). The applicant should also submit more evidence that the proposal accords with NP7 (energy saving standards). We recommend also that if the application is permitted, it should be subject to a condition to ensure occupation as principal residences only (NP5). On this basis, the Town Council wishes to object to the application in its current form.

  Environment Agency

  5.2 The proposal is of low environmental risk and therefore we have no detailed comments to make.
5.3 **Peak and Northern Footpaths**
No objections

**Derbyshire County Council (Highways)**

5.4 Whilst the submitted details indicate that an adequate level of emerging visibility can be provided from the proposed new estate street junction, and the Highway Authority has no objections in principle to the proposed residential development, there are a number of issues relating to the proposed internal layout:

A swept path analysis of the proposed new estate street needs to be carried out to demonstrate that a typical refuse vehicle used in the area can easily manoeuvre within the turning head without over-running the footways/margins.

Ideally, 2/3 bedroom dwellings should be provided with 2 parking spaces per dwelling, each space measuring at least 2.5m x 5.5m, whereas the submitted details indicate some of the 2 bedroom dwellings are only provided with a single parking space. The parking spaces within the shared private areas are also only shown as 2.4m x 4.8m.

Where dwellings are located in excess of 25m from the adoptable highway, a bin collection area should be provided within 25m of the adoptable highway.

Subject to the above being addressed and if your Authority is minded to approve the application, detailed conditions and footnotes should be appended to any consent.

Revised plans submitted and in response to these the Local Highway Authority confirmed that conditions should be added to any permission to further address outstanding issues of bin storage and swept path for turning area.

**Derbyshire County Council (Flood Team)**

5.5 No objection in principle subject to a condition being imposed which requires the submission of a management and maintenance plan of surface water drainage for the site.

**Derbyshire Wildlife Trust**

5.6 Although an ecological appraisal including bat activity surveys and reptile surveys has been undertaken the information is now considered out of date (surveys were undertaken in 2014). Furthermore, the ecology report details bat roost present on site and provides bat mitigation in regards to a purpose built bat barn. This is not reflected in the proposed plans.

I am not 100% confident in the submitted information. The initial bat building assessment, found hundreds of droppings and thousands of moth wings, but the surveys were concentrated in July and August (ideally surveys should be spaced two weeks as a minimum apart). It is unclear from the additional bat surveys if brown long-eared (BLE) bats numbers are reflected from the surveys undertaken. Furthermore, with that amount of droppings present, DNA analysis of the droppings should be undertaken to confirm species present. Harleem Mill opposite to this application has a transitional brown long-eared bat roost and occasional common pipistrelle roost. Bats have been noted traversing the road to the opposite site; therefore, as suggested in the outdated report, the site could have a maternity roost. The plans and report have insufficient information in regards to the interest to accommodate and mitigate for bats.

It is recommended prior to determination detailed updated bat activity surveys are undertaken (this will be required for a Natural England Licence as well) detailed mitigation from the ecologist as well as the plans illustrating and accommodating bats are undertaken and results of DNA to confirm the exact species present/roosting on site.

As reptiles could still be present and potentially on site, rather than additional reptiles surveys (which would be preferred) a revised detailed plan incorporating mitigation for a wildlife
corridor along the railway line (eastern boundary) would provide a movement corridor for reptiles as well as bats.

At present, it is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

If planning permission is to be granted, without the additional information as discussed above, please contact me to discuss conditions for European Protected Species, this does not however, overcome the concerns as detailed above.

Conservation Advisory Forum

5.7 The forum noted that the key heritage consideration was the potential impact of the proposed development on the setting of the closest designated heritage assets – Haarlem Mill (II*) and associate warehouse and managers house (II).

− The forum opined that it was a relevant consideration that if a development was not of sufficient quality of design, layout, materials and details that there could be a potential consequence and harm on heritage assets.

− The forum noted that the site was relatively deep, however, it would be the principal frontage buildings (and those glimpsed beyond) which would be of primary concern to the issue of potential harm to the setting of the designated heritage assets.

− In this regard, the forum considered that the general design concept for this location was needlessly poor, including the proposed layout and materials/details. The forum considered that the design of housing for this site should be site specific (the current scheme is clearly not) and aspire to a better layout and better frontage development to the main road. The proposed scheme has inherent issues of design concept, materials, genre and layout all of which contribute to a scheme proposal which would have a detrimental, and potentially harmful, impact on the setting of the designated heritage assets.

− The forum were fully aware of the approved scheme for the Harlem Mill site opposite and remarked that that had been carefully considered in terms of design concept, genre, layout, materials and details, specific to the site and setting. The forum considered that this site, almost immediately opposite, should have design links with that approved opposite.

− The forum commented on the proposals as follows:
  o The layout is poor, particularly the, geometric, staggered road frontage
  o Artificial materials would be detrimental to use on this site. Good traditional and natural materials should be used
  o Consider that the early 20th century stone building on the site should have been retained and a sensitive scheme designed around it
  o The development genre/type is vernacular in concept but is not convincing in this regard or context and has no chimneystacks
  o The rendered building is out of context

Design and Conservation Officer (Derbyshire Dales)

5.8 The site is on the east side of Derby Road and lies outside the Wirksworth Conservation Area, however, it lies opposite (north-easterly) Haarlem Mill complex with its grade II* and grade II listed buildings. A short distance away on the east side of Derby Road is Adam Bede Cottage (grade II). The key conservation issue is the potential impact of the proposed development on the setting of the Haarlem Mill complex and, perhaps to a lesser extent, Adam Bede Cottage.

Map regression indicates that the land between the railway line and Derby Road remained more or less open and undeveloped (with the exception of Adam Bede Cottage) until the early 1970s when industrial buildings began to be constructed. At the same time larger
industrial buildings (some now demolished) were also being added to the Haarlem Mill complex itself.

Apart from Adam Bede Cottage, and the former Mill Managers House at Haarlem Mill, the immediate area is an industrial (rather than residential), enclave which is reflected in the scale of the various industrial type buildings and structures which form the dominant character and appearance of the area. Housing has been approved for the northern side of the Haarlem Mill complex, however, this was carefully considered to form a distinctive transition (within the area almost opposite the development site) between the industrial enclave area and housing of a more traditional form and layout (with more assimilation/relationship to Millers Green).

The proposed small cul-de-sac of houses/flats is, therefore, out of context with the general character and appearance of the vicinity. The ‘frontage’ to the proposed development comprises of standard residential house types/form with (artificial) stone and brick facing with cottage style window patterns and forms (and surprisingly no chimneystacks for such a vernacular pastiche scheme). Nine houses form the ‘frontage’ which represents the full roadside width of the site (Inc. access point). Whilst the housing to the rear is partially obscured by the ‘frontage’ the apartment block (of white render) is prominent in views from the access road. It is considered that the proposed, general, housing type and style is out of context for this particular site and the housing design should be of a transitional type/form (of a similar nature to that transitional design approved on the opposite side at Haarlem Mill). Such transitional, innovative, architecture/design would have assisted in assimilating the proposed residential development with its specific context.

As the design, form, appearance and detailing of the proposed housing units is considered to be inappropriate for this specific context such housing types and their visual impact will, inevitably, have a detrimental impact on the setting of the Haarlem Mill complex.

Arboriculture Officer (Derbyshire Dales)

5.9 No comments received

Environmental Health (Derbyshire Dales)

5.10 I would request that a contaminated land condition be applied to this application as the site was formally used as a motor spares/scrap yard.

However, I have been contacted recently by a Geologist from Geo Matters, who has informed advised that a Phase 1 investigation has already been carried out on this site. This report has been submitted to environmental health and confirms the presence of contamination on the site and therefore remediation measures will be required within the conditions.

Strategic Housing (Derbyshire Dales)

5.11 The Community Housing Team at Derbyshire Dales District Council is fully supportive of this proposal to develop 33 affordable homes in Wirksworth, which would deliver much needed affordable housing. The scheme is 100% affordable homes.

A review of Home-Options data, the District Council’s Housing Register, indicates that there are currently 79 Wirksworth households in housing need. The 1 and 2 bed properties reflect the type of need coming from the local area. Westleigh Developments has liaised with Community Housing on the mix of homes on the site and this meets local need. The mix is 8 x 1 bed flats, 20 x 2 bed houses and 5 x 3 bed houses. The tenure of the proposed affordable homes is 20 for affordable rent and 13 for shared ownership. The proposed new homes will be owned and managed by Nottingham Community Housing Association.
Nottingham Community Housing Association has an allocation of funding from the Homes and Communities Agency of £820,000 for this scheme and the District Council has allocated grant of £195,480.

Whilst the homes are provided for the residents of Wirksworth, we would not wish to see any specific local connection criteria attached, so that they can meet housing need from across the Derbyshire Dales.

**Strategic Planning (Derbyshire County Council)**

5.12 The proposed development falls within the shared normal area of Wirksworth Infant school, Wirksworth C of E (Controlled) Infant School and Wirksworth Junior School. The proposed development would generate the need to provide for an additional 3 infant and 4 junior pupils.

Wirksworth Infant School has a net capacity of 87 pupils, with 47 currently on roll. The number of pupils is projected to decrease during the next five years to 44 resulting in a surplus capacity of 43 places.

Wirksworth C of E (Controlled) Infant School has a net capacity of 90 pupils, with 68 pupils on roll. The number of pupils on roll is projected to decrease to 63 during the next 5 years resulting in a surplus capacity of 27 places.

Wirksworth Junior School has a capacity of 150 pupils with 152 on roll. The number of pupils is projected to increase during the next 5 years to 155 resulting in the school being over capacity by 5 pupils.

An analysis of recently approved major residential applications within the normal area shows development totalling 31 dwellings which we would expect to generate an additional 3 infant and 3 junior pupils. The infant increase can be accommodated however none of the junior places could be accommodated by the normal area school. Furthermore this number of dwelling would result in a need for 5 secondary and 2 post 16 pupil places; these can be accommodated in the normal area school projected capacity.

Therefore funding of £45,596.04 is required to fund the junior school places via project A internal remodelling to increase teaching and support spaces.

No mitigation measures are required for waste.

Broadband infrastructure should be provided as part of the on-site design of development schemes. New development should be supported by a communication strategy that delivers future-proof infrastructure and supports sustainable communications services. Advice is to be provided via footnote for sustainable communications infrastructure.

6. **REPRESENTATIONS RECEIVED**

6.1 One representation has been received. A summary of this representation is outlined below:

- The proposal does not confirm to the Wirksworth Neighbourhood Plan.
- This application does not honour the settlement characteristics and contradicts the defining settlement qualities. To the north of the site there is 20th century housing but not the sort of development the WNDP seek to replicate.
- The layout is typical of mid-20th century mass produced housing designed around vehicle access and parking.
- Of particular note is the parking immediately outside the block of flats on the southern boundary.
- Standard suburban layout with cul-de-sac.
- No attempt has been made to create a unique character to reflect settlement layout in Wirksworth.
The proximity to Haarlem Mill requires high quality design.
Elevations are repetitive and monotonous.
No details of floor areas are given therefore compliance with policy NP4 cannot be confirmed.
The proposed development does not relate well to Haarlem Mill, it is not sensitive to its immediate surroundings and does not reflect local character.
Contrary to Policies NP1, NP2 and NP3.
Whilst in favour of affordable housing it is a shame it is so badly designed.

7. OFFICER APPRAISAL
It is important to set out the current planning policy situation within which this proposal is to be assessed.

It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). However, based on new analysis of development that will come forward in the next five years it is considered that the Council can now identify a rolling five year supply of housing land. It is also the case that allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it can be afforded only limited weight at this time.

Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and are based on outdated housing needs information. As such, the housing policies of the adopted local plan are considered out of date. Therefore paragraph 14 of the NPPF becomes the relevant paragraph for consideration of this development.

Paragraph 14 states that –

For decision taking this means:
Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or
- Specific policies in this framework indicate development should be restricted.
  o Footnote 9 to this latter part of paragraph 14, identifies policies relating to heritage assets as being an instance where there is not a presumption in favour.

In this case there is a heritage issue to be assessed with regard to the impact the development of this site will have upon the setting of listed buildings at Haarlem Mill. As such there is no presumption in favour of development.

In such a circumstance it is appropriate to weigh all the issues including heritage and come to a balanced decision based on sustainability.

The remainder of this report will analyse the scheme against the above guidance. In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.
Having regard to the policies of the development plan, which can be afforded weight, guidance contained within the National Planning Policy Framework (NPPF) and responses received through the applications process the key issues to consider are:

1. Principle of Development
2. Impact upon the setting of the nearby listed building
3. Compliance with the Wirksworth Neighbourhood Plan
4. Developer Contributions
5. Character and Appearance
6. Highway Safety
7. Land Contamination
8. Ecology
9. Land Drainage
10. Public Open Space
11. Conclusion

Principle of Development

7.1 In terms of paragraph 14, as footnote 9 is relevant to this case regarding the assessment of the impacts upon the setting of the adjacent heritage assets, the presumption in favour of sustainable development does not apply.

7.2 Policy S3 of the draft local plan allocates Wirksworth as a market town which is a first tier settlement. The market towns are the districts main towns and are the primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Furthermore this is a scheme for 33 affordable dwellings provided by a registered social landlord to meet the housing needs of the District. In terms of location this site is considered to be a brownfield site in a sustainable location generally acceptable for this form of development.

Impact upon the setting of the Listed Building

7.3 It has been noted by consultees that the development of this site will have a harmful impact upon the setting of Haarlem Mill and Adam Bede Cottage.

7.4 Paragraphs 132, 133 and 134 of the NPPF state that:

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

7.5 In 2015 Historic England produced an advisory document relating to the assessment of the setting of heritage assets. Given the opinion of consultees that the proposed development will cause some harm the setting of Haarlem Mill and possibly to Adam Bede Cottage it is appropriate to assess the setting in detail in such cases.
7.6 The ‘Setting Of Heritage Assets’ document 2015 as noted above confirms on page 2 that the setting of a heritage asset is the surroundings in which a heritage asset is experienced and that this extent is not fixed, the document goes on to confirm that the setting of a designated heritage asset can contribute to its significance. This document sets out three stages of the assessment of heritage assets; stage 1: identifying the heritage asset affected and its setting, and stage 2: assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset and stage 3: assessing the effect of the proposed development on the significance of the asset.

- **Stage 1: identifying the heritage asset affected and its setting**

7.7 The heritage assets the focus of this assessment are the group of grade II listed Mill buildings located to the south west of the application site and Adam Bede Cottage again to the far south of the application site.

7.8 The setting of this listed building in its widest context is the southern end of the settlement of Wirksworth where there is a variety of development including modern residential development and larger commercial buildings. The Mill sits within its original curtilage which is relatively unaltered by development but where new development is approved to removing existing dilapidated buildings and replace these with an innovative modern housing scheme. The setting of Adam Bede Cottage is much more tightly defined and is already largely impacted upon by commercial development surrounding the site.

- **Stage 2: assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset.**

7.9 The wider context of the heritage assets, the southern end of the town because of the way it has evolved over time, makes a limited contribution to the setting of the Mill complex. In the immediate context of the mill site the buildings are appreciated in association with other modern industrial development to the south of the application site.

7.10 In this respect and given the distance between the application site and the listed buildings it is considered that the application site does little to contribute to the setting and as a result the significance of the heritage asset. The application site is a former scrap yard with overgrown conifers to the frontage and dilapidated buildings. It is considered that the site in its current condition has a neutral/mildly negative impact on the significance of the heritage asset. As previously noted the mill buildings themselves are seen in association with modern commercial buildings to the south of the application site. Given the distance between the application site and Adam Bede Cottage and the intervening commercial development it is not considered that the application site contributes in any way to the significance of this heritage asset.

- **Stage 3: assessing the effect of the proposed development on the significance of the asset.**

7.11 This proposal will introduce housing development in close proximity to the curtilage of the listed buildings. However, the redevelopment of the site will be beneficial to the street scene through the removal of the frontage boundary treatments and the clearing of the unsightly buildings. Whilst it is noted that the Conservation Advisory Forum would prefer to see the existing dwelling on site retained it is not considered that this dwelling is of such architectural merit that its retention is paramount. In addition, it is noted that the forum consider the development of this site should be of a more special architectural character to reflect the modern design of the redevelopment within the mill site. However, it is considered that the proposed scheme in terms of design, materials and the creation of a street frontage with the use of materials typical within the locality will be acceptable and generally in keeping with the prevailing character of the area and that the revised scheme has resolved many of the concerns of the forum. In this respect it is considered that the redevelopment of the site will...
enhance the street scene in this location and as such will have a neutral impact upon the setting of the listed mill buildings which it should be noted are already surrounded by modern development to the southern part of Wirksworth. It is considered that the development of the site will not have any adverse impact upon the setting of Adam Bede Cottage.

*Compliance with the policies of the Wirksworth Neighbourhood Plan*

7.12 Concern has been raised through the application process that the submitted scheme does not adequately address the requirements of the neighbourhood plan in terms of specific policies and the concept statement for this site.

7.13 In terms of the overall design and quality of the development it is considered these concerns have been resolved to an extent through amendments to the proposed development.

7.14 With regard to settlement characteristics and the defining settlement qualities it is considered that the proposed scheme is in keeping with the prevailing character and pattern of development to this southern part of Wirksworth which has a significant quantity of modern housing development and larger commercial buildings.

7.15 It is considered that the design has to some extent been designed around modern parking requirements and in this respect is considered to be acceptable in terms of highway safety. It would have to be a very innovative scheme to be able to design in a way which does not have the appearance of being directed by road layouts and visibility. Unfortunately such schemes are usually beyond the constraints of affordable housing schemes and it would not be reasonable to refuse planning permission for development being insufficiently innovative in terms of treatment of road layout.

7.16 It is noted in the objections that the elevations are repetitive and monotonous. The design in this case is relatively simple and the elevations of dwellings are very similar across the site with pairs of dwellings and short terraced rows. It is not considered that a repetitive design is necessarily a poor design and in this case the simplicity of the scheme and the lack of decoration will result in a scheme which sits well within its surroundings without being overly prominent.

7.17 The space standards noted in policy NP4 of the neighbourhood plan are noted; however affordable housing has its own very strict requirements in terms of space standards which will be met by this development. It is not considered that refusal on the grounds of space standards is warranted. In terms of energy saving standards the development will have to comply with current building regulations, it is not considered that this affordable housing scheme should provide energy saving standards above that generally required through building regulations.

7.18 With regard to policy NP5 having a principle home condition, this is not considered necessary given the tenure and affordable nature of this managed housing scheme.

7.19 It is considered that the mix of housing, two storey scale of development, retained view through the site, layout with short terraces, parking on street and in bays and the provision of affordable housing are all elements which ensure that the proposed development is in accordance with the detailed concept statement for the site provided in appendix 5 of the Wirksworth Neighbourhood Plan.

7.20 The proposal is considered to comply with the requirements of the neighbourhood plan.
Developer Contributions

7.21 The strategic policy team at Derbyshire Country Council have assessed the proposed development and existing school places and have considered that the development will result in a need for a further 4 junior school places and therefore they are requesting a contribution of £45,596.04 towards project A for internal remodelling to increase teaching and support spaces. Whilst it is not doubted that such a need will arise as a result of additional housing it is considered that given this is a scheme for affordable housing which is already on a tight budget and with funding provided, the provision of such a contribution would make this scheme unviable. In view of this it is not considered reasonable given the fully affordable nature of the development for such a developer contribution to be sought.

Character and Appearance

7.22 It is considered that the amendments sought throughout the planning process have resulted in a scheme that will be appropriate and enhance the character and appearance of this street scene within the locality. The use of natural stone and red brick as seen in Wirksworth will ensure that the scheme will assimilate well into the surroundings. Conditions will be required to ensure the details of the scheme including hard and soft landscaping will be finished to an acceptable standard.

Highway Safety

7.23 The Local Highway Authority has considered the submitted scheme in detail and amended plans have been submitted to address the initial comments of the highway authority. The proposed development is considered to have adequate visibility and parking provision. Conditions will be necessary to ensure the scheme is appropriately completed on site to the required highway standards and that the visibility splay provided is protected.

Land Contamination

7.24 As the site was used as a scrap yard in the past and there are radon gas issues in this area the scheme has been considered by the Council's Environmental Health Officer along with a survey report on the potential contamination. It is considered that given the previous use it is necessary to impose conditions on the site for appropriate remediation works. Subject to such conditions it is considered the development of the site is acceptable in terms of the potential for contamination of the land.

Ecology

7.25 Concerns have been raised by DWT that the information submitted with the application in terms of ecology surveys were inadequate and further survey and mitigation work particularly in terms of bats was required in order to ensure no harm to protected species as a result of this development. It is clear that there are bats using the site and the site has a potential maternity roost however the specific species has not been determined nor has a mitigation strategy been submitted.

7.26 The applicant's agent has considered the concerns raised by DWT and through discussion with them is in the process of completing the requested additional survey work and producing a mitigation strategy. Whilst this work is not complete as yet, it will be submitted prior to the committee meeting and it is anticipated that this matter will be presented in full with an update from DWT at that meeting.
Land drainage

7.27 The flood team at Derbyshire County Council have considered the submitted details and have considered that the development of the site is acceptable in terms of land drainage subject to detailed conditions.

Public Open Space

7.28 A public open space and play area is proposed to be provided in the centre of the site. This is considered necessary given the distance to existing playing fields and the need to cross the main road. Conditions will be required to ensure this play area with equipment is provided on site and managed appropriately in the long term.

Conclusion

7.29 It is necessary to assess all of the benefits and impacts of this development in order to establish whether this proposal amounts to sustainable development.

7.30 When making a decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.

7.31 In this case the impact of the development of the site has been considered in detail and it is not considered that the proposed development will adversely impact upon the significance of the heritage assets through harm to the setting of the grade II listed buildings at Haarlem Mill or at Adam Bede Cottage. In this respect the development accords with the requirements set out in paragraphs 132 to 134 of the National Planning Policy Framework.

7.32 The three roles of sustainability need careful consideration to determine whether this proposal amounts to sustainable development.

7.33 In this case the social role of sustainability would be met by providing affordable housing to meet the housing needs of the district in a sustainable location within a first tier market town settlement. This benefit carries significant weight in the decision making process.

7.34 The economic role of sustainability would be met through the construction process and through the additional residential spend following occupation.

7.35 The environmental role of sustainability would be met as overall the appearance of the site would be enhanced through the development which is considered to be of an appropriate design and appearance. It is not considered that the development will have a harmful impact upon the setting of the nearby listed buildings. The site adjoins the settlement such that future residents would not be unduly reliant on the private motor car.

7.36 On the basis of the above assessment and subject to the ecology issues being resolved it is considered that the proposal constitutes sustainable development and consequently planning permission is recommended to be granted subject to detailed conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions.

1 Condition ST02a: Time limit on full
Condition ST06: Amended application revised plans (Remove the word ‘solely’) - numbered and received: 40152 019A, 40152 002Q, 40152 018D, 40152 020C, 40152 016G, 40152 006B, 40152 007C, 40152 021B, 40152 008B, 40152 009C, 40152 010C, 40152 022A, 40152 011B, 40152 012B, 40152 013B, 40152 014A, 40152 015B all received 10.08.16 and 40152 017E received 17.08.16

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

4 Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 3 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

6 No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
   - Parking of vehicles of site operatives and visitors
   - Routes for construction traffic
   - Hours of operation
   - Method of prevention of debris being carried onto highway
   - Pedestrian and cyclist protection
   - Proposed temporary traffic restrictions
   - Arrangements for turning vehicles

7 No dwelling shall be occupied until modification to the existing footway and provision of a new footway fronting the site on Derby Road has been constructed in accordance with the approved details. For the avoidance of doubt, the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

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

9 The carriageway of the proposed estate road shall be constructed in accordance with Condition 6 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways,
footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

10 No development shall take place until the new estate street junction has been formed to Derby Road in accordance with the approved drawing number WD/292/12B, laid out, constructed to base level and provided with 2.4m x 114m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

11 No dwelling shall be occupied until space has been provided within the site curtilage for the parking residents and visitors vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

12 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved drawings No 40152 020A have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

13 No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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

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

16 The proposed private vehicular access driveways to the new estate street shall be no steeper than 1 in 15 for the first 10m from the nearside adoptable highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent adoptable highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

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

18 Prior to the occupation of the first unit details of the provision and long term maintenance and management of the play equipment within the public open space shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be completed in accordance with the agreed details.

19 Prior to the installation of windows and doors within the first unit, details of all windows and doors to the proposed dwellings, including the design, recess and finished colour, shall be
20 Prior to the roof construction taking place details, including a sample of the finished roofing materials for the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

21 Notwithstanding the submitted details, prior to the commencement of the first unit a detailed plan of the proposed chimneys shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

22 All gutters, downpipes and bargeboard details shall be of a black finish.

23 The external facing material shall be the Priory red brick (or similar with alternate name) to all plots with the exception of plots 1, 2, 32 and 33. Prior to the commencement of brickwork on the first unit a sample of the priory red brick (or similar with alternate name) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

24 To the front and side elevations of plots 2 and 33 and the front of plots 1 and 32 a natural birchover stone shall be used of coursed construction with a pitched face, 150mm bed height and in lengths of 600mm, 450mm and 225mm unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

25 Prior to construction taking place on the first unit a sample of the reconstructed stone to be used on the heads and cills of the windows and doors of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

26 Prior to the commencement of development a scheme for the long term management of the affordable housing and details of the proposed tenure shall be submitted to and agreed in writing by the Local Planning Authority.

27 Prior to the construction of the bin store on site details of this structure shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

28 Condition LA12a: Approval of landscaping before commencement of development (Delete d, f, m, n) (After h add in: including full details of the walling to the site entrance, the north, east and southern boundaries and full details of the design, construction and finished stone for the walling to the site frontage)

29 Condition LA13a landscaping to be carried out and maintained

30 Condition LA15: submission of a landscape management plan

31 Condition SD12: land affected by contamination – submission of remediation scheme

32 Condition SD13: land affected by contamination prior to commencement

Ecology conditions to be confirmed
Reasons:

1. Reason ST02a

2. For the avoidance of doubt

3-16 In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

17. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the local planning authority in advance of full planning consent being granted.

18. To ensure appropriate provision and maintenance of the open space/play area in accordance with policy L6 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

19-25 To ensure an appropriate finished form of development in accordance with Policies SF5 and H9 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

26. To ensure the accommodation remains affordable in the long term in accordance with guidance contained within the National Planning Policy Framework.

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

28-30 To ensure appropriate landscaping of the site in accordance with policies SF5 and NBE26 of the Adopted Local Plan and guidance contained within the National Planning Policy Framework.

31. Reason: SD12

32. Reasons SD13

Ecology reasons to be confirmed

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 design.

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. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate road should be laid out and constructed to adoptable standards and
financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Communities at County Hall, Matlock (Tel: 01629 580000 and ask for the Development Control Implementation Officer Mr I Turkington, Tel: 01629 538578).

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

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

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

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

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

9 The application site is affected by a Public Right of Way (Footpath number 28 Wirksworth on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.

- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.

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

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

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

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

11 Construction works are likely to require Traffic Management and advice regarding procedures
  should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and
  temporary traffic signal applications will have to be submitted via the County Councils web-
  site; relevant forms are available via the following link -
  http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

12 The applicant should demonstrate to the satisfaction of the local planning authority, the
  appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of
  the CIRIA SDS Manual C697. This type of development usually requires >2 treatment stages
  before outfall into surface water body/system which may help towards attainment of the
  downstream receiving watercourse’s Water Frame Directive good ecological status.

13 This decision notice relates to the following documents:
   Amended application revised plans - numbered and received: 40152 019A , 40152 002Q
   40152 018D, 40152 020C, 40152 016G, 40152 006B, 40152 007C, 40152 021B, 40152
   008B, 40152 009C, 40152 010C, 40152 022A, 40152 011B, 40152 012B, 40152 013B,
   40152 014A, 40152 015B all received 10.08.16 and 40152 017E received 17.08.16

   Plans – 40152 003B received 16.06.16
   Existing plan received 21.06.16

   Design and access statement received 21.06.16
   Pre-development arboricultural report dated August 2014 received 21.06.16
   Drainage strategy and floor risk dated January 2016 received 21.06.16
   Visibility splay extents WD/292/03B received 21.06.16
   Engineering layout WD/292/12B received 21.06.16
   Extended phase-1 habitat survey, bat scoping and dusk/dawn surveys dated September
   2014 received 21.06.16
   Reptile presence/absence survey dated October 2014 received 21.06.16
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00340/OUT</th>
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<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>The Firs, Main Road, Wyaston</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolition of existing buildings and erection of 10 dwellings with access and layout (Outline)</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr John Kunica</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Edlaston and Wyaston</td>
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<tr>
<td>AGENT</td>
<td>Mr Jeff James</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllr. Shirley</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>18th August 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>More than five unresolved objections have been received.</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>To assess the impact of the development on the character and appearance of this part of the village and the local environment.</td>
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</table>

**MATERIAL PLANNING ISSUES**

- the appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- the impact of the development on the character and appearance of this part of the settlement / local landscape and residential amenity;
- the suitability of the site in relation to noise;
- the impact of the development on species protected by law;
- whether there would be any adverse highway safety implications;
- the impact of the development on existing infrastructure;
- whether there would be any highway safety implications, and;
- the acceptability of the housing mix.

**RECOMMENDATION**

Approval with conditions.
16/00340/OUT

The Firs, Wyaston

Derbyshire Dales DC

Date: 09/09/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The application site comprises The Firs, a rendered dwellinghouse situated within the centre of Wyaston Village, off Main Road and its associated land (see figure 1). The site extends to 2.1ha and includes a red brick stable / storage building to the north of the main dwellinghouse (see figure 2) a Dutch barn and series of redundant poultry buildings to the west (see figure 3). The existing dwellinghouse sits side on and hard up to the main road through the village. Between the main dwellinghouse and red brick stable / storage buildings is an area of hardstanding which extends up to Main Road and comprises the main site access. The site falls away gently in a westerly direction.

1.2 The site is screened to the north and west by mature tree planting. Along the western boundary of the main dwellings domestic curtilage and to the west of the red brick stable / storage building are lines of conifer trees, which screen the poultry sheds from the road. The character of development either side of the site, on the western side of Main Road comprises mainly detached dwellings, which sit in large plots. The settlement pattern is more intimate on the eastern side of the road (see figures 4 and 5).

1.3 Public Footpath no. 11 'Edlaston and Wyaston' runs alongside the southern boundary of the site beyond a mature hedgerow and hedgerow trees.

1.4 To the west of the site is the part of Darley Moor Airfield which is used for motor cycle racing events.
2. THE APPLICATION

2.1 This application follows the refusal of a full planning application for four large detached dwellings on the site, at committee in January 2016 for the following reason:

1. The removal of existing attractive vernacular buildings on site and their replacement with a residential development in the form of an estate of 4 no. large detached dwellings arranged around a centrally positioned service road would be an incongruous form of development in this locality resulting in significant harm to the character and appearance of this part of the settlement / countryside, contrary to the aims of Policies SF5, H9 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2.2 This application seeks to address the above reason for refusal. The applicant has chosen, following comments made at the committee meeting and subsequent discussions with officers to submit an outline application which seeks to agree layout and access only, with all other matters being reserved for subsequent approval. As can be seen from the description of development the density of development has changed. It is now proposed to demolish the existing buildings on site, including the farmhouse, red brick agricultural storage buildings, Dutch barn and large poultry buildings and to construct 10 dwellings on the site (which would result in a net increase in 9 units taking into consideration the loss of the existing farmhouse). The applicant had intended to construct 11 dwellings on the site, however, following concerns with regard to how this presented itself as a layout the density was reconsidered and the layout of the proposed dwellings amended. In response to the settlement pattern on the western side of Main Road the applicant has chosen to pursue a layout which is reflective of a farm grouping and terrace of cottages. Along the road frontage it is proposed to construct a 4-5 bedroomed dwelling, which will have the appearance of a farmhouse. It will occupy a similar part of the site, although it will be set further back from the road (to achieve an appropriate level of visibility to accommodate the level of development proposed) than the existing farmhouse, which will be demolished. To the north of this a terrace of three dwellings is shown (2 no. three bedroomed dwellings and 1 no. two bedroomed dwelling). Behind the main farmhouse to the west a series of buildings, which would be designed to appear as two barn ranges are shown. They would be a mixture of two storey and single storey dwellings and garages. Although the scale of the proposed buildings is not known it is indicated on the accompanying layout plan that they will accommodate 4 no. four bedroomed, 1 no. three bedroomed and 1 no. two bedroomed dwellings. The larger of the buildings, immediately to the west of the farmhouse has a 'c' shaped plan form. To the north west of this building, beyond an access to land upon which the poultry buildings currently sit (which will be reinstated as
paddock) will be a linear building with a slightly widen span. In front of the these buildings a freestanding garage block and large communal courtyard area for parking is shown. Although landscaping is a reserved matter, the woodland to the north is shown to be extended and a new native hedge planted to the west to separate the new paddock is shown.

2.3 A new 5m wide access, with improved visibility sightlines of 2.4m x 43m, between the existing farmhouse and terrace of three dwellings along the road frontage is proposed.

2.4 The application is accompanied by an extended phase 1 habitat and bat survey by Eye Bright Ecology.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

SF4: Development in the Countryside
SF5: Design and Appearance of Development
H4: Housing Development outside Settlement Framework Boundaries
H9: Design and Appearance of New Housing
H12: Alternative Provision for Affordable Housing Outside of Settlement Frameworks
NBE5: Development Affecting Species Protected By Law or Are Nationally Rare
NBE8: Landscape Character
NBE12: Foul Sewage
NBE26: Landscape Design in Association with New Development
TR1: Access Requirements and the Impact of New Development
TR8: Parking Requirements for New Development
L9: Safeguarding Public Rights of Way

3.2 Other:

The National Planning Policy Framework (2012)
Draft Derbyshire Dales Local Plan
- Policy S3: Settlement Hierarchy
- Policy HC4: Affordable Housing
- Policy HC10: Housing Mix and Type

Wildlife and Countryside Act 1981
EC Birds and Habitats Directive (92/43/EEC)
The Conservation (Natural Habitats etc) Regulations 1994

4. RELEVANT PLANNING HISTORY

4.1 15/00766/FUL Demolition of buildings, removal of hard standing and erection of four detached dwellings and associated access – Refused.

5. CONSULTATIONS

5.1 Parish Council:
Object. Having held a meeting on the 13th June 2016 the Parish Council a broad consensus on a number of issues was reached, all of which are consistent with comments previously raised by the Parish Council in relation to previous consultations and applications for development of this site. These issues / concerns can be summarised as follows:

1. The number of properties proposed in this application is excessive, and totally disproportionate to the existing size of the village. As noted above, Wyaston currently
has a total of 55 dwellings of a range of sizes and types, with 22 along the main road in the centre of the village. A single development representing an increase of 20% of the total, and 50% of the immediate surroundings, is considered to be totally disproportionate, and would have a fundamental, detrimental impact on the character and social structure of the village. We note that, in all previous correspondence between the Parish Council and Planning Authority in relation to this site, the residents and Council have been generally supportive of a development of up to four properties on the site, as a reasonable and proportionate development. Eleven properties is too many.

2. A development of this scale is also inconsistent with the provisions of the draft Local Plan, and its assessment of sustainable development. In the absence of any amenities within the village, and with no meaningful public transport provision, Wyaston is identified as a Tier 5 settlement, and therefore only appropriate for infill and consolidation development. By this measure, this proposal is unsustainable and inappropriate, and is a significant development well beyond what could reasonably be described as 'infill and consolidation'. The Parish Council has indicated in its response to the draft Local Plan that it considers the previous proposals for four houses on this site to be consistent with the principal of infill and consolidation development.

3. The physical extent of the development is also of concern. The proposals in this application extend significantly further back from the road than previous proposals, and go significantly beyond the rear extents of the majority of the other properties on the west side of the main road. Notwithstanding the existing poultry sheds on the site, this is essentially an agricultural site within a rural village, and this application significantly increases the extent of residential development within this context.

4. Another issue of significant concern is road safety and access onto the main road. It is noted that the development includes provision to improve visibility for traffic turning out of the site onto the main road, but safety on this road is already of significant concern to residents. It is increasingly busy, is narrow and twisting with limited visibility either side of the site, it already has numerous vehicle and pedestrian accesses onto it, has no footpaths, and is subject to a 60mph speed limit. The provision of a new access onto this road, with potentially 22 or more additional cars turning on and off the main road, is of considerable concern. In addition, there are four additional pedestrian accesses onto a busy road with no footpath, exacerbating existing issues of pedestrian safety.

5. Related to this are concerns over parking. It is acknowledged that the application includes provision for two parking spaces per property, including garages. However, with shared accesses to the properties and the tendency for people not to use their garages for parking cars, it is inevitable that parking will spill over onto the main road, exacerbating traffic and road safety issues.

6. It is noted that the 'red line' indicated on the application drawings only includes the area of the site relating to the residential development. While the drawings indicate that the existing chicken sheds will be demolished, the area reinstated as paddock and the existing woodland retained, it is requested that these proposals are specifically included within any planning consent for the site, and that any residential development of the site should be conditional on this being done and protected against future development.

7. While it is acknowledged that the style of the proposed development has addressed concerns raised on the previous application about its appropriateness in its location, and the provision of affordable housing, residents raised a number of concerns about the style and nature of the development:
a. There remain concerns, as previously raised, about the demolition of the existing house, it being one of the oldest houses in the village (as evidenced by it being oriented gable-on to the road) and a prominent feature of the village streetscape. Residents remain to be convinced that this property is beyond economic repair.

b. While the Planning Committee raised concerns on the previous application that the provision of four large properties on the site is unsustainable, it is noted that the new proposal includes five houses of this size, with the more affordable housing being additional to this.

c. Residents have raised concerns about the provision of a terrace of three houses facing onto the main road. There are no other terraces within the village, and this is therefore inconsistent with existing development.

8. It is noted that the proposals include provision for space for children to stand while waiting for the school bus in the morning, in response to previous comments raised by the Parish Council. However, this space is considered to be insufficient, particularly given that a development of this scale would inevitably bring more families with children into the village.

9. A related concern was raised regarding the lack of facilities within the village to support an increase in population of this order. The development proposals do not appear to include any provision for additional or enhanced facilities or amenities, particularly for children.

10. Specific concerns were raised regarding the infrastructure required to support a development of this scale, and particularly sewage disposal. The proposals do not provide any details of how this will be addressed.

5.2 Local Highway Authority:

As you will be aware, the Highway Authority commented on a proposed residential development of 4 dwellings at this site in connection with application ref 15/00766/FUL and raised no objections.

Whilst this application is now for 11 units (now 10), again the Highway Authority has no concerns. The applicant is providing a new, 5m wide, central access and is setting back the fronting boundary walls to achieve the recommended 2.4m x 43m emerging visibility splays in both directions. This is adequate for the proposed number of dwellings. The sites existing, substandard access is being permanently closed off as part of the proposals.

Internally, adequate parking and turning space is being provided for residents, visitors and delivery vehicles. However, it’s not clear what the applicants’ intention is with regards to refuse vehicles servicing the site. It may be worthwhile hard surfacing a section of the proposed grass verge in the close vicinity of Main Road to store bins clear of Main Road’s live carriageway on collection days. The Highway Authority recommends this is clarified on revised drawings submitted for approval prior to any operations commencing on site.

Subject to conditions the Local Highway Authority raise no objections.

5.3 Derbyshire Dales Group of the Ramblers and Peak and Northern Footpaths Society:

No objection provided that the width and route of Public Footpath no. 11 'Edlaston and Wyaston' which abuts the application site, remains open and unobstructed at all times.

5.4 Derbyshire Wildlife Trust:

Advise the Council that the ecological survey work that has been undertaken in support of the application has adequately considered newts, bats, badger and reptiles and that it is
unlikely that any of these protected species will be affected by the proposal. A series of conditions to secure habitat enhancement, including the provision of bird and bat boxes the preparation and implementation of an avoidance method statement in relation to Great Crested Newts and further survey work in relation to badgers prior to the commencement of development are recommended (on the basis that the setts which are currently inactive could become in use or new setts formed in a short space of time).

5.5 Natural England:

Do not wish to comment.

5.6 Principal Environmental Health Officer:

Previously advised with regard to noise from the airfield having a detrimental effect on future residents that they are investigating on-going noise complaints from nearby residents, and recommend that a robust scheme of noise attenuation be submitted (which would need to be submitted as part of a subsequent approval of reserved matters application).

5.7 Derbyshire County Council Strategic Infrastructure:

Advise that whilst there is capacity at the normal secondary school to accommodate the development, there would be a need to mitigate the impact of the proposed development on primary school places in order to make the development acceptable in planning terms. Based on the number of dwellings proposed the County Council requests a financial contribution of £22,798.02 towards 2 primary school places.

The County Council also request that the development be afforded access to high speed broadband services and encourage the installation of 32mm water main risers and sprinkler systems.

5.8 Derbyshire County Council Flood Team:

Raise no objections, however, recommend conditions to ensure adherence to DEFRAs non statutory technical standards for sustainable drainage systems and advisory footnotes.

5.9 Derbyshire Dales District Council Landscape Officer:

The site is at the centre of the village and is very well enclosed by existing woodland in the north and west, a well-developed hedgerow in the south and existing residential development on Main Road.

It is unlikely that there will be any significant adverse impact on local landscape character or visual amenity as a result of development as long as existing landscape features, as described above, are retained and that the building line respects the existing form and distribution of dwellings along the road frontage.

6. REPRESENTATIONS

6.1 Representations from eight local residents, objecting to the proposed development have been received. Concerns are raised with regard to the following:
Principle and Density

Wyaston is a settlement of 60 houses. 14 homes have been built in the village since 1990. In the context of this the eleven (net 10) properties represents a statistically significant and disproportionate addition. A development of this size does not comply with the wording or ethos of the emerging local plan. A development of 11 properties is too large for the centre of a small village such as Wyaston and will increase the number of dwellings by more than 33%. The development will increase the village by 20%. The proposed overdevelopment of the site appears more to do with the perceived housing need than the suitability of the site.

Sustainability and Access to Services and Facilities

There are no bus routes through the village. There are no amenities in the village. The nearest school is over subscribed. Broadband is slow and the sewerage system is inadequate.

Housing Mix

We prefer this application in that it offers more housing, but are very disappointed that only two out of eleven are low cost. The remaining nine are still very substantial properties as with the previous application. The farmhouse is far too big for the village and terrace housing is inappropriate.

Highway Impacts

There is a serious shortfall in parking. People do not use garages to park cars in any more. The middle of the village is single carriageway. The thought of a minimum of 22 cars coming out of a junction is very scary. This is a national speed limit road. Reference is made to an accident in the village, which resulted in the road being closed for hours. The development may lead to vehicles parking on the main road. Concern has been raised that the Local Highway Authority have based their assessment on the basis that the main road is a classified road with a 30mph limit. There is insufficient visibility from the proposed new access to enable vehicles to exit safely. Four gates onto the main road from the new properties increases the risk of an accident in the village. The development would result in the loss of the yard which is used by school children as a waiting area. The proposed waiting area will be inadequate.

Impact on character and appearance

The extension beyond the current building line is not in keeping with other properties along the west side of the main road through the village. It could set a precedent for other development. The layout of the development may lead to further development within the paddock area. Houses in Wyaston are almost entirely alongside the roads, with no other courtyard –style developments.

Demolition of the poultry sheds

Whilst it is proposed to demolish the chicken sheds and change the use of the land to a paddock this is not part of the application and there is no condition applied to this to ensure this happens.
Noise

A detailed letter of representation has been received from a local resident which states that they have carried out detailed acoustic and survey analysis of the noise climate in Wyaston and Edlaston on behalf of the Parish Council and residents. They advise that noise associated with the motorsport and light aircraft activity at Darley Moor Airfield would prevent a property at the Firs Farm location achieving a level anywhere near the British Standard 8233 (20014) regulations for new residential properties. Whilst they recognise that it is possible to sound proof a building, they advise that the standard makes it clear that residential properties must comply with the regulations should a window be required to be open for ventilation in a typical manner.

Sewerage

Where would the sewerage go? 11 septic tanks in a relatively small area is asking for trouble with soakaways.

7. ISSUES

Planning Policy Context

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

7.2 It had been the case that the District could not demonstrate a rolling 5 year supply of housing land (plus 20% as required by the NPPF). However, based on new analysis of development that will come forward in the next 5 years it is considered that the Council can now identify a rolling five year supply of housing land. It is also the case that policies and sites identified within the emerging local plan will provide for enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The emerging local plan is, however, at an early stage in the plan making process and policies and strategic land allocations contained within it can only be afforded limited weight at this time.

7.3 Housing policies contained within the Adopted Derbyshire Dales Local Plan (2005) do not envisage new housing development beyond the plan period and is based on outdated housing needs information. Policies which deal with new housing development are therefore considered to still be out of date. Recent appeal decisions have confirmed this position, in that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries have been considered to be out of date and have been afforded no weight in the decision making process.

7.4 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The remainder of this report will analyse the scheme against this guidance. In making a balanced judgement the decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.
7.5 Within the National Planning Policy Framework at paragraph 17 are a series of core planning principles. They state that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, recognise the intrinsic character and beauty of the countryside, support the transition to a low carbon future in a changing climate, taking full account of flood risk, allocate land for development on land of lesser environmental value and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, amongst other considerations. Policy S3 within the emerging local plan aligns with this guidance, and whilst it can only be afforded limited weight at this time seeks to locate the majority of new development towards the main market towns and larger settlements within the Derbyshire Dales District.

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

- a) the appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
- b) the impact of the development on the character and appearance of this part of the settlement / local landscape and residential amenity;
- c) the suitability of the site in relation to noise;
- d) the impact of the development on species protected by law;
- e) whether there would be any adverse highway safety implications;
- f) the impact of the development on existing infrastructure;
- g) whether there would be any highway safety implications, and;
- h) the acceptability of the housing mix.

The amount of development and suitability of the location

7.7 Wyaston is a tier 5 settlement within the emerging local plan. Whilst it is anticipated that new housing will be constructed within the physical confines of such settlements through infill and consolidation of the existing built framework, policy S3 allows for the redevelopment of previously developed sites where such development would lead to positive environmental improvements. The demolition of the existing dilapidated poultry sheds and reinstatement of a significant part of the site as a paddock would be a significant environmental benefit in this case. Taking the above into consideration, it is not considered that the development would be at odds with policies contained within the emerging local plan, despite the comments from the Parish Council and some local residents.

7.8 Notwithstanding the above, it is important that the overall scale of development in lower order settlements is commensurate to their size and reflect their position in the settlement hierarchy. Wyaston is a tier five settlement in the emerging local plan. It is recognised that there is a lack of basic facilities to meet day to day requirements. A Public House and a small garden centre / nursery are located at the northern end of the village. A school bus service which serves the village is also in operation. The level of development proposed (i.e. a net increase in 9 units) is considered to be commensurate with the size of the settlement in this case. This would represent a 16% increase in the total number of homes within the built up part of the village. Weighing in the balance the previously developed nature of the site and associated environmental benefits, its central location and the position of the village in the settlement hierarchy the level of growth proposed in this case is considered to be acceptable and would help to sustain existing facilities within the village and local area.
Impact of the development on the character and appearance of this part of the settlement / local landscape and residential amenity

7.9 Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. The application site is centrally positioned within the village on the western side of Main Road. Some new residential development has taken place on the western side of the road, between existing, historic buildings and farm groups. These dwellings tend to be detached and set within large plots. The settlement pattern is much ‘looser’ than the more intimate housing development, on the opposite side of Main Road. The main dwelling, ‘The Firs’ is hard up against the road and is a prominent building within the streetscene. Although set back a greater distance from the road, the red brick stable / storage building to the north is also highly visible from public view. Collectively the buildings, although in a poor state of repair and in need of modernisation, read as a traditional range of farm buildings and are in-keeping with / make a positive contribution to the local landscape / character and appearance of this part of the settlement.

7.10 In seeking to address the previous reason for refusal the applicant has sought to pursue a layout which is reflective of a traditional farm grouping and terrace of ‘agricultural workers' cottages. The layout has been amended to appear less formal and although concern has been raised with regard to the appropriateness of terraced properties along the main road frontage, such buildings are often found in smaller villages in the local area. There are a variety of property types within the village of varying designs. The provision of smaller agricultural worker style cottages on the main road frontage would not appear odd in this regard and would it is considered be appropriate having regard to the design concept and local character. The existing site forms part of a farm grouping, which extends beyond the limits of existing buildings to the west of the Main Road. The proposed building would not extend as far into the site as the existing poultry buildings. They would be in line with the buildings to the west of Ivy House to the north. Being well contained by existing woodland and hedgerows there would be no encroachment in the countryside or harm to the local landscape. The layout and pattern of buildings is considered to be reflective of a traditional farm grouping and subject to careful consideration of building heights, design and appearance would, it is considered enhance the appearance of this part of the settlement. The layout of the proposed buildings, subject to scale, is such that the development could be designed to not overlook, overshadow or appear overbearing when appreciated from neighbouring residential properties.

The suitability of the site in relation to noise

7.11 A local resident has raised concerns with regard to the possibility of noise impacts from the motor cycle racing and light commercial aircraft activity, which takes place on the airfield to the west. On-going noise complaints from nearby residents are currently being investigated. However, the Principal Environmental Health Officer is satisfied that noise attenuation measures, such as triple glazing in the window frames facing in a westerly direction would help mitigate any adverse impact and satisfy BS regulations. It is not therefore considered that there is sufficient justification to refuse the application on grounds of noise, given that such impacts could in the opinion of Environmental Health be mitigated.
7.12 Paragraph 99 of Circular 06/2005 states “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 planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. Derbyshire Wildlife Trust are satisfied that enough information has been submitted to fully assess the extent to which the development will affect protected species and are satisfied with the recommendations being put forward by the applicant in their ecology report to safeguard those species.

7.13 The series of conditions to secure habitat enhancement, including the provision of bird and bat boxes the preparation and implementation of an avoidance method statement in relation to Great Crested Newts and further survey work in relation to badgers prior to the commencement of development are recommended (on the basis that the setts which are currently inactive could become in use or new setts formed in a short space of time) would need to be included in any decision to grant outline planning permission.

The impact of the development on existing infrastructure

7.14 Concern has been raised with regard to the ability of the sewerage system to accommodate the level of development proposed. This is a matter which will need to be agreed with the sewerage authority / as part of the building regulations process and would not constitute a reason for refusing this application. The County Council’s Flood Risk Team have recommended conditions to ensure adherence to DEFRA’s non statutory technical standards for sustainable drainage systems and advisory footnotes. Such details will need to be submitted to and agreed in writing prior to commencement of development.

7.15 The County Council have advised that whilst there is capacity within the local secondary school to accommodate the additional pupil places that would be generated, the local primary school at Osmaston CE Controlled Primary School is at capacity and have requested that the developer makes a contribution (based on two places) of £22,798.02 which would be pooled towards delivering additional teaching accommodation. The applicant has verbally agreed to pay this amount to the County Council. This would need to be secured through a S106 agreement.

Whether there would be any adverse highway safety implications

7.16 The Local Highway Authority are satisfied that the development would be served by a safe means of access onto Main Road in terms of visibility. A local resident has raised concern with regard to the visibility sightlines being based on passing speeds of vehicles being less than 30mph. Having looked at the proposal the Local Highway Authority consider this to be an accurate reflection of passing vehicle speeds based on the situation on the ground and have commented on this basis. They advise that an appropriate level of visibility, parking, manoeuvring and bin storage space to serve the proposed dwellings can be provided and subject to conditions raise no objections. It is not considered therefore that there would be any significant adverse impacts on the local highway network / resultant danger to the other highway users, as a result of the proposed development such that a recommendation of refusal could be sustained on highway safety grounds. Although an informal arrangement exists whereby local school children use the yard area as a waiting area for the school bus, it is not designated for such use. Recognising that it is used for such purpose the applicant has, however, made provision for a new waiting area in the proposed layout, which is considered to be acceptable to serve the level of pupils that would use it. The enjoyment and route of the public footpath to the south of the site (no. 11 ‘Edlaston and Wyaston’) would not be adversely affected by the development, being sited beyond a mature hedgerow and hedgerow trees).
The acceptability of the housing mix

7.17 In terms of housing mix Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand ……”

7.18 As part of the evidence base for the emerging Local Plan, a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which has been used to inform the preparation of new local plan policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that:

“…… the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

7.19 The application is for outline consent only with all matters relating to the type of properties reserved for future consideration. Although the applicant has specified the number of bedrooms and floor areas of each dwelling on the proposed layout plan, the appearance of the buildings is a matter which will need to be agreed as part of any reserved matters submission. As this application is for outline consent, it would be possible to agree an appropriate mix with the applicant and it is recommended that an advisory footnote be appended to any decision to secure where practicable an appropriate mix.

7.20 Guidance within the National Planning Practice Guide has been recently introduced which advises that contributions towards affordable housing should not be sought from developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1000sqm. This is reflected in Affordable Housing Policy HC4 of the emerging local plan. Although indicative, the combined floor area of the proposed dwellings (excluding the replacement farmhouse) adds up to 1287 sq. m. The appearance of the buildings and scale, as stated above will, however, need to be approved and the applicant has agreed to a condition to limit the maximum combined gross floorspace of the dwellings on plots 2-10 to 1000sqm. This will reduce the size of the dwellings and ensure a housing mix which is close to that set out in the Housing and Economic Needs Assessment. Subject to the maximum combined gross floorspace of the dwellings not exceeding 1000sq. m there would be no requirement for the applicant to make an affordable housing contribution in this case.

The Planning Balance

7.21 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

7.22 Although the development on the face of it is contrary to the Adopted Local Plan recent appeal decisions have confirmed that Policies SF4 and H4, which restrict new residential development outside of the settlement framework boundaries defined in the Adopted Derbyshire Dales Local Plan (2005) have been considered to be out of date and have
been afforded no weight in the decision making process. It is consequently important in this case to have full regard to the guidance in the NPPF reflected in emerging plan policy.

7.23 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. Emerging local plan policies also make provision for development on previously development sites in villages such as Wyaston where there would be environmental benefits. It is, however, important in line with guidance contained within the NPPF guidance to weigh the social, economic and environmental benefits and disbenefits against one another in reaching a balanced judgement on the sustainability of a scheme.

7.24 In this case the social dimension would be served by the delivery of a proportionate number of new homes to help underpin existing services and facilities within the village, payment of monies towards a capital project to extend the nearest primary school and the delivery of a small number of houses to help meet the Districts objectively assessed housing needs.

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

7.26 In environmental terms the demolition of the existing dilapidated poultry sheds and reinstatement of a significant part of the site as a paddock would be a significant environmental benefit. The development also makes good use of a previously developed site within the village centre which would be well contained by existing landscape features and would not result in significant harm to the character of the local landscape. The layout of the development would also result in a form of development that subject to careful design would enhance the appearance of this part of the settlement. Whilst noise from the motor cycle and light aircraft activity is a dis-benefit, noise attenuation measures would help mitigate any adverse impact on any future residents. The level of development in a location with limited services and facilities and reliance on the use of a private motor is also a disbenefit of the scheme, however this would, it is considered, be outweighed by the environmental benefits identified above.

7.27 When all of the above matters are weighed in the balance and having due regard to all the elements of the NPPF and emerging local plan policies, it is considered that the environmental, social and economic benefits of the development outweigh the dis-benefits and that planning permission be granted on this basis.

8. RECOMMENDATION

That, subject to:-

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

- £22,798.02 towards the delivery additional teaching accommodation at Osmaston CE Controlled Primary School

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

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

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

3. The net combined increase in gross residential floorspace shall not exceed 1000sqm.

4. This permission relates to the original application documentation except as amended by the revised plan received by the Local Planning Authority on the 11th August 2016 numbered 2201-32 Rev C.

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

6. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition No 5 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

7. Before any other operations are commenced (excluding Condition No 5 and 6 above) a new vehicular access shall be formed to Main Street in accordance with application drawing No 2201-32, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction measured along the nearside carriageway edge in each direction. 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.

8. Before any dwelling is occupied, the existing vehicular access to Main Street shall be permanently closed with a physical barrier in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
10. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 2201-32 Rev C for residents cars to be parked and for delivery vehicles to turn so that they may enter and leave the site in forward gear. These facilities shall thereafter be retained for use at all times.

11. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

12. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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

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

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

16. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

17. Prior to the commencement of development details and a timetable for the completion of the works to demolish the existing poultry sheds and reinstate the land at the western end of the site as a paddock shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details / timetable.

18. Prior to the commencement of development details of the provision of bird and bat boxes, including the type and location of the boxes across the development site shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be installed in accordance with the approved details prior to first occupation of any dwelling on site.

19. Prior to the commencement of development details of an avoidance method statement in relation to Great Crested Newt shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall thereafter be strictly adhered to throughout the construction period.
20. Prior to the commencement of development surveys of the existing badger setts and assessment of the site for badger activity shall be carried out by a qualified ecologist. The details of the survey work shall thereafter be submitted to the Local Planning Authority and any necessary mitigation agreed in writing by the Local Planning Authority.

21. Any reserved matters application should allow for the retention and protection of hedgerows and trees, in particular, the reserved matters of layout and landscaping shall provide a net gain to biodiversity through the inclusion of native planting and artificial nest boxes (bats, bird, and/or insect boxes) in accordance with the requirements of condition 18.

Reasons:

1. Reason ST01a.

2. Reason ST03a.

3. Any increase in net combined floorspace would result in the requirement to make an affordable housing contribution in accordance with emerging local planning policies and guidance contained within the National Planning Policy Framework (2012) and National Planning Practice Guide (2014).

4. For the avoidance of doubt.

5-13. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012).

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

15. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted in accordance with the aims of guidance contained within the National Planning Policy Framework (2012).

16. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

17. To ensure the delivery of a significant environmental benefit of the development in accordance with the aims of guidance contained within the National Planning Policy Framework (2012).

18-21. To safeguard any protected species which may be using the site and/or to secure biodiversity enhancements in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan 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 resulted in revised proposals.
that overcame initial problems with the application relating to the layout of the development.

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

3. Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk. The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

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

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

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

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

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

9. The application site is affected by a public Right of Way, Footpath No 11 on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that
10. The granting of planning permission is not consent to divert or obstruct a Public Right of Way.

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

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

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

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

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

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

13. The applicant is advised that in order to discharge conditions 15 and 16 that they should ensure all of the below parameters have been satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA’s Non-statutory technical standards for sustainable drainage systems:

   - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
   - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
   - Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
   - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
   - Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
   - Where reasonable practicable demonstrate that the runoff volume of the site reflects the requirements of S4 or S5.
2. Information to indicate that the surface water can, in principle, be disposed of sustainably in compliance with Approved Document H of the Building Regulations 2000. In particular, the following information should be provided to the Local Planning Authority for review:

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

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

15. NFA20: Conditions Precedent (Various)

16. NFA21: Conditions Discharge Fee.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered 2201-15 Rev B;
1:500 Scale Proposed Site Demolition Plan numbered 2201-19 Rev B;
1:200 Scale Existing Site Plan numbered 2201-17 Rev A;
1:200 Scale Indicative Sketch Elevations Plan numbered 2201-31;
Document titled Design and Access Statement, and;
Extended Phase 1 Habitat and Bat Survey by Eyebright Ecology dated September 2015 received by the District Council on the 9th and 19th May 2016,
1:200 Scale Proposed Site Layout Plan numbered 2201-32 Rev C received by the District Council on the 11th August 2016, and;
The email from the applicants agent agreeing to the maximum combined floorspace of the development not exceeding 1000sq. m received by the District Council on the 8th September 2016.
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00499/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Building to the Rear of 18-20 St Johns Street, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolition of Cobblers Workshop / Garaging and Boundary Wall and Erection of New Two Storey Shop (Use Class A1) and Garage</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr &amp; Mrs E. J. Leyland</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>None.</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs. Bull and Millward</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>6th September 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Cllr. Millward due to potential impact on the viability of the scheme</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Cllr. Millward to enable members to consider the impact of the development on the historic environment</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The principle of new retail development in the town centre, and;
- The impact of the development on the special character and appearance of the principal listed building, boundary wall and the character and appearance of this part of Ashbourne Conservation Area.

**RECOMMENDATION**

Refusal
16/00499/FUL

Building to the rear of 18-20 St John Street, Ashbourne

Derbyshire Dales DC

Date: 09/09/2016

100019785
1. THE SITE AND SURROUNDINGS

1.1 The site comprises a series of flat roofed buildings used by Wrigley’s Shoes for storage at the rear of 18-20 St Johns Street, a Grade II listed building centrally positioned within Ashbourne Town Centre (see figure 1). They include a garage and disused cobbler’s workshop. The buildings sit within Ashbourne Conservation Area and are accessed from Horse and Jockey Yard. A site upon which planning permission has been recently granted for a development of shops and offices lies to the west. The boundary between the application site and number 16 St Johns Street (also a Grade II listed building) is defined by a wall and gate pier which are over 2m high (see figure 2) (both curtilage listed structures). The site falls away gently to the south.

(Figure 1)     (Figure 2)

2. THE APPLICATION

2.1 This application follows the granting of full planning permission and listed building consent in May 2016 (applications 16/00200/FUL and 16/00201/LBALT) for the demolition of the existing cobbler’s workshop and garage and the erection of a new two storey shop. This application seeks full planning permission for the same development, however, includes the demolition of the boundary wall. No reference was made to the demolition of the wall (a curtilage listed structure) or gate pier in the consideration of the aforementioned applications. Given their historic significance, conditions were imposed which explicitly stated that the permissions did not convey any authorisation to demolish the boundary wall or pier and required the submission of revised plans which showed the retention of both structures, details of their abutment / flashing and a scheme for any propping, shoring, underpinning or stabilisation prior to the commencement of works.

2.2 Whilst the application proposes to retain the stone pier in its current position, no details of its abutment to the new building have been provided.

2.3 In appraising and justifying the removal of the boundary wall the applicant advises the following:

- Apart from the terminating stone pillar, and a bricked-up doorway, the wall is without copings or any other distinguishing feature. It is neither ancient, nor of any architectural merit. It is significant that the wall is noted for architectural quality in neither the Conservation Consultation document, nor the report of the Conservation Advisory Forum (19.4.16), nor the Case Officer’s Report and Recommendation (16.5.16) which were taken into consideration in determining the planning approval of 16 May 2016.
• To preserve this wall would entail propping, the careful removal of adjoining 20th century structures, underpinning, repointing, tying to the back wall of the new shop and the addition of a weathering cap. The existing wall would still not be sufficiently stable to form part of the new building. To allow for the wall thickness plus allowance for its irregularities would reduce the usable plot width for the new building by 275mm.

• The effect of the cost of the restoration works to the wall and the loss of floor area in the proposed shop unit on both floors would make the development uneconomic, and the outcome would be that the proposed new shop unit would not proceed. It is felt that the loss of this replacement of the present ugly outbuildings would an unfortunate outcome for the environment of Ashbourne town centre.

• These documents do refer to the location of this wall on a medieval burgage plot boundary. The application proposal would maintain this boundary, but mark it with the wall of the new building.

• It is possible to preserve the stone pillar without detriment to the proposed scheme, and in view of the opinions expressed, its retention, repair and stabilisation does form part of the present application. The problematic gate hook is to be removed and the crack repaired.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

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

- SF1 Development within Settlement Frameworks
- SF5 Design and Appearance of Development
- SF7 Waste Management and Recycling
- SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
- NBE12 Foul Sewage
- NBE16 Development affecting a Listed Building
- NBE17 Alterations and Extensions to a Listed Building
- NBE19 Demolition of Listed Buildings
- NBE21 Development Affecting a Conservation Area
- NBE22 Shopfronts in Conservation Areas
- NBE24 Archaeological Sites and Heritage Features
- NBE26 Landscape Design in Association with New Development
- NBE27 Crime Prevention
- S1 Retail Development in Town Centres
- S6 The Design and Appearance of Shops and Commercial Premises
- S7 Shopfront Security
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Other:
- Ashbourne Conservation Area Appraisal (2008)

4. RELEVANT PLANNING HISTORY

16/00200/FUL Demolition of cobblers workshop and garaging and erection of new two storey shop (use Class A1) and garage – Granted
5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

Refer the Local Planning Authority to their previous comments, namely:
“Due to the site not having any designated parking or loading/unloading space, all delivery vehicles will have to park on St John Street (on double yellow lines) and carry/trolley goods to the site in question. Whilst this is not ideal and not in the best interest of highway safety, it’s unlikely to create any severe safety concerns on the highway as the majority of shops and services on St John Street already operate in this manner.

Therefore, given the sites previous use and town centre location, there are no grounds for a highway safety objection.”

A condition to secure a construction management plan was recommended.

5.2 Ashbourne Town Council:
Object. Members object to the removal of the wall and erection of a new garage, as this is a pedestrian area.

5.3 Georgian Group Midlands and Northern Office:

Advised the following in respect of applications 16/00200/FUL and 16/00201/LBALT:

The Group has no objection to the demolition of the existing twentieth century outbuildings. We do however; wish to object to the demolition of the brick boundary wall and stone gate pier to their rear, which appear to be of nineteenth century date. Historic boundary walls like this one are important to the character of the conservation area, and to the setting of the adjoining listed buildings. As a curtilage structure, any proposal to demolish it would need to be justified in terms of the criterial set out within the NPPF.

Nos. 18-20 St John Street were probably once part of the same property as No.16, and have a distinguished mid to late eighteenth century frontage to St John Street. The property also has a handsome gabled rear elevation of three storeys embellished with decorative bands and pronounced key stones to its sash windows. These embellishments suggest that the rear elevation of Nos.18-20 was designed for display, rather than as a utilitarian service elevation. This elevation is highly visible from within Horse and Jockey Yard, and is arguably the thoroughfare’s most distinguished architectural feature.

Whilst the proposed new shop unit is of a relatively modest scale it will nevertheless hide from view the first floor of the rear elevation of Nos. 18-20. The new structure would therefore cause a degree of harm to the setting of the listed building owing to its increased height, and may limit the uses to which parts of the listed building could be put in the future.

The Georgian Group would urge the applicants to withdraw this proposal and amend it to allow for the retention of the boundary wall. Efforts should also be made to mitigate the impact of any new unit on the setting of the listed building by either reducing the new...
shop’s height, or moving it further away from the rear elevation of the listed building. If the applicants are unwilling to amend their scheme then consent should be refused.

5.4 Conservation Advisory Forum (CAF):

- CAF considered the current proposals in detail (and particularly in connection with Condition 5 of the previous approval).
- CAF noted that the applicant (in their revised Statement of Significance & Impact) states that the Forum did not comment on the architectural quality of the wall in their comments from April 2016. This is incorrect as the CAF did make comment with specific regard to this wall, and stated:
  - It was noted that an historic brick wall and stone gate pier survived on the rear wall of the existing garages. This wall appears to be of 19th century date and marks the alignment of the medieval burgage plot. As the properties are listed the wall/post would be deemed a curtilage-listed structure. CAF considered that this should not be demolished but be preserved, repaired & retained in any re-development scheme.
- Having considered the current scheme, CAF were of the opinion that their comments of April 2016 remain pertinent in this regard.
- CAF disagree with the applicant that the wall has no architectural merit as its historic alignment, use of different brick, the ‘kink’ in the wall line, the blocked segmental doorway and the monolithic stone pier all contribute holistically & significantly to its historic, architectural and archaeological merit & value.
- CAF sensed that the current proposal appeared to be an issue of constructional convenience rather than conservation. The wall & pier are curtilage-listed structures benefitting from statutory protection and, therefore, contributes significantly to the history & character of the listed buildings and historic burgage plots.
- CAF discussed the technicalities of retaining the historic wall/pier in-situ whilst the new development takes place and confirmed (via the architectural experience of some of the members) that this was entirely possible to do.

5.5 District Councils Design and Conservation Officer:

Condition 5 of 16/00200/FUL required the retention, stabilisation & conservation of the existing boundary wall & pier.

The revised Statement of Significance & Impact (dated 9 July 2016) states that “it is significant that the wall is noted for architectural quality in neither the Conservation Consultation document, nor the report of the Conservation Advisory Forum”. This statement is wholly incorrect and untrue.

The Conservation Consultation stated – “The west wall of the current outbuildings has been built up against an older brick boundary wall marking the historic division between the plots (burgage plots). This older brickwork (19th century?) also retains a monolithic stone gate post and it’s capping stone. Both the older brick wall and the monolithic post are considered to be curtilage-listed structures and their retention in-situ is considered to be important (the plan as proposed does not indicate the walls or gateposts retention)”. The Conservation Advisory Forum recorded – “that an historic brick wall and stone gate pier survived on the rear wall of the existing garages. This wall appears to be of 19th century date and marks the alignment of the medieval burgage plot. As the properties are listed the wall/post would be deemed a curtilage-listed structure. CAF considered that this should not be demolished but be preserved, repaired & retained in any re-development scheme”.

In connection with the application 16/00201/LBALT the Georgian Group also made formal objection to the demolition of the brick wall & pier.
The length of wall which abuts the rear of the modern garages and (whether it is in the ownership of No.s 14-16 or Nos. 18-20) is a curtilage-listed structure. The wall is of historical, archaeological and architectural significance for the following reasons:

- Its alignment follows the medieval division between the burgage plots between the two properties (this is identified/recognised on the plan included in the Ashbourne Conservation Area Appraisal (2008);
- The wall, across its length is of (at least) two phases;
- The wall is constructed from red brick which appears to be late 18th or early 19th century in date with a garden wall bond;
- The wall has a ‘kick-back’ along its length and contains a blocked segmental headed former doorway;
- The length of wall terminates with a monolithic stone gate pier with a shaped capping stone

The current application proposes that the length of historic brick walling is to be demolished and permanently removed. Its alignment will be replaced by the modern cavity brick walling of the proposed new building on the site of the garages. The drawings do note that the stone gate pier is to be retained. Whilst the rear wall of the new building would retain the line of the medieval burgage plot the wall itself is of importance & significance for this and other reasons (as set out above). In this regard, it is considered that the wall has sufficient historical, archaeological and architectural significance to resist its demolition and replacement (with the token gesture of the retention of the stone gate pier).

The historic wall/pier should be retained in-situ (subject to the advice & recommendations of a structural engineer) to design a support system to negate any collapse of the wall/pier prior to & during re-development works. The rear wall of the new building could abut the historic wall (as the current garage block does) and the junction between the two walls capped with an appropriate architectural detail/solution.

It is noted that the current wall has some ivy growth which will require removal. This may involve the wall requiring re-pointing to this particular elevation prior to the dismantling of the garage blocks.

5.6 Derby and Derbyshire Development Control Archaeologist:

The block of long, narrow properties to which the proposed development site belongs have been identified in the Ashbourne Extensive Urban Survey (Stroud 2001) as medieval burgage plots. It is thought that in medieval and early post-medieval times, behind the buildings fronting the main streets, such plots would have served for a variety of industries. In particular, proximity to the water source of Henmore Brook may have attracted industries such as tanning and dyeing to these back-plot areas.

Because of this general potential for medieval archaeology, the plot between Horse and Jockey and Hood’s Yards, immediately south and west of the current proposal site, was subject to archaeological evaluation in the context of a recent planning application for commercial development. Despite the lack of mapped modern development on the site, it proved to have been substantially disturbed, with areas of deep 19th-20th century made ground and truncated natural deposits, and no surviving archaeological finds or features pre-dating the 19th century. Trenches 1 and 2 were excavated very close to the rear of the existing cobbler’s workshop and garaging on the edge of Horse and Jockey Yard, and identified (Trench 1) made ground to a depth in excess of 1.9m, and (Trench 2) the remains of a 19th-20th century outhouse.
From the evaluation of this adjoining site it appears that the archaeological potential of the current development site is likely to be very low, particularly as it has already been substantially disturbed by construction of the existing buildings. I therefore recommend that there is no need for further archaeological work in relation to the current proposals, and that the application should therefore be determined in line with the advice of the local planning authority’s conservation officer.

6. REPRESENTATIONS

6.1 Representations have been received from the owner of a property on the eastern side of Horse and Jockey Yard. They support the application and make the following comments:

We find that the demand by CAF to retain the historic wall at the rear of the plot to be totally unreasonable. If permission is granted for the redevelopment then to retain this wall and carry out all the necessary work will, I understand, make the cost too prohibitive and thus stop the proposal on economic grounds. Should the development go ahead as presently required then it is very unlikely that the existing historic wall will ever be seen; it also has no architectural merit. However, should permission be granted to demolish this wall then the replacement wall, which will be on the same line, will still retain the alignment of the suggested medieval burgage plot.

We understand that the applicants have agreed to preserve the stone gate pier but we would point out that it is our understanding that this pier was one of two which were erected in the early 20th Century for the gates of site which was then occupied by the Co-op coal yard which operated out of this site and their shop was at 14-16 St John Street.

The Development Group Archaeologists have indicated that their recent evaluation of the site immediately to the west of the previous cobblers shop has shown that the ground has been substantially disturbed and that there was little need for further investigation.

7. OFFICER APPRAISAL

7.1 Policy S1 within the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2012) are generally supportive of new retail development within town centre locations, where such development makes full and effective use of previously developed land or buildings in preference to greenfield sites, preserves or enhances the character and appearance of the settlement and is well related to surrounding properties and land uses.

7.2 Paragraph 132 of the National Planning Policy Framework advises that when considering the impact of works 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. It recognises that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Paragraph 133 advises 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. It was noted in the consideration of the previous application (16/00200/FUL) that the existing flat roofed buildings at the rear of 18-20 St Johns Street were in a poor state of repair and contributed little to their immediate surroundings. It was also recognised that redevelopment of the site had the potential to enhance the character and appearance of this part of the town and provided an opportunity to link / tie in with the recently approved mixed use development to the west. It is acknowledged that there would be public benefit derived from the new retail unit to the town centre.
7.3 No reference was made to the need to demolish the boundary wall and gate pier in respect of the original application. In the consideration of this application it was noted that the boundary wall contributed positively to its surroundings and without any reason for its removal would have resulted in significant and unjustifiable harm to the character and appearance of this part of the conservation area and setting of the no. 16 and 18-20 St Johns Street (both Grade II Listed Buildings). A condition requiring its retention was imposed for this reason.

7.4 In seeking to justify the demolition of the boundary wall the applicant focuses mainly on its current condition rather than its architectural and historic quality / significance. As stated by the District Councils Design and Conservation Officer its alignment follows the medieval division between the burgage plots between the two properties (identified/recognised on the plan included in the Ashbourne Conservation Area Appraisal (2008)). Whilst the rear wall of the new building would retain the line of the medieval burgage plot its archaeology, construction and evolution represents a significant and important part of the towns development in this area, which would be lost to the detriment of the character and appearance of this part of Ashbourne Conservation Area and would result in the total loss of this important heritage asset and cause substantial harm to the setting of no. 16 and 18-20 St Johns Street.

7.5 In support of the proposal to demolish the wall the applicant advises that the restoration works and the loss of floor area in the proposed shop unit on both floors would make the development uneconomic and advise that the proposed new shop unit would not proceed on this basis. Whilst it is recognised that there would be public benefit to redeveloping this part of the town, it is not considered that the costs associated with retaining the wall, which is a freestanding structure and could be propped / tied by the rear wall of the new retail unit and loss of floorspace amounting to the width of the existing wall would be so prohibitive so as to make the development unviable. No evidence has been submitted to demonstrate this to be the case.

7.6 Paragraph 133 is clear in 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. No clear and convincing justification has been provided to demonstrate that the loss of the boundary wall would be necessary in this case to achieve the public benefit.

7.7 On the basis that the demolition of the boundary wall would result in the loss of this important designated heritage asset and cause substantial harm to the special character and appearance of no. 16 and 18-20 St Johns Street and character and appearance of this part of Ashbourne Conservation Area it is recommended that planning permission be refused in accordance with policies SF1, SF5, NBE16, NBE19 and NBE21of the Adopted Derbyshire Dales Local Plan (2005) guidance contained within the National Planning Policy Framework (2012).

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

1. The development would involve the demolition of a listed wall, which in terms of its archaeology, construction and evolution represents a significant and important part of the towns development in this area. Its loss without clear and convincing justification would cause substantial harm to this important heritage asset and special character and appearance of no. 16 and 18-20 St Johns Street and the character and appearance of this part of Ashbourne Conservation Area contrary to policies SF1, SF5, NBE16, NBE19 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:
- 1:1250 and 1:500 Scale Site Location and Proposed Block Plan numbered 1;
- Document Titled Statement of Significance and Impact, Design and Access;
- 1:100 Scale Existing and Proposed Floor Layout and Elevations Plans numbered 3 Rev A, 4 Rev A, 5 Rev A and 6 Rev B;
<table>
<thead>
<tr>
<th>APPLICATION NUMBER</th>
<th>16/00500/LBALT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE ADDRESS:</td>
<td>Building to the Rear of 18-20 St Johns Street, Ashbourne</td>
</tr>
<tr>
<td>DESCRIPTION OF DEVELOPMENT</td>
<td>Demolition of Cobblers Workshop / Garaging and Boundary Wall and Erection of New Two Storey Shop and Garage</td>
</tr>
<tr>
<td>CASE OFFICER</td>
<td>Mr Chris Whitmore</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>Mr &amp; Mrs E. J. Leyland</td>
</tr>
<tr>
<td>PARISH/TOWN</td>
<td>Ashbourne</td>
</tr>
<tr>
<td>AGENT</td>
<td>None.</td>
</tr>
<tr>
<td>WARD MEMBER(S)</td>
<td>Cllrs. Bull and Millward</td>
</tr>
<tr>
<td>DETERMINATION TARGET</td>
<td>6&lt;sup&gt;th&lt;/sup&gt; September 2016</td>
</tr>
<tr>
<td>REASON FOR DETERMINATION BY COMMITTEE</td>
<td>Requested by Cllr. Millward due to potential impact on the viability of the scheme</td>
</tr>
<tr>
<td>REASON FOR SITE VISIT (IF APPLICABLE)</td>
<td>At the request of Cllr Millward to enable members to consider the impact of the development on the historic environment.</td>
</tr>
</tbody>
</table>

**MATERIAL PLANNING ISSUES**

- The impact of the development on the special character and appearance of the principal listed building, boundary wall and the character and appearance of this part of Ashbourne Conservation Area.

**RECOMMENDATION**

Refusal
16/00500/LBALT

Building to the rear of 18-20 St John Street, Ashbourne

Date: 09/09/2016

Derbyshire Dales DC

100019785

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

1.1 The site comprises a series of flat roofed buildings used by Wrigley’s Shoes for storage at the rear of 18-20 St Johns Street, a Grade II listed building centrally positioned within Ashbourne Town Centre (see figure 1). They include a garage and disused cobbler’s workshop. The buildings sit within Ashbourne Conservation Area and are accessed from Horse and Jockey Yard. A site upon which planning permission has been recently granted for a development of shops and offices lies to the west. The boundary between the application site and number 16 St Johns Street (also a Grade II listed building) is defined by a wall and gate pier which are over 2m high (see figure 2) (both curtilage listed structures). The site falls away gently to the south.

![Figure 1](image1.png) ![Figure 2](image2.png)

2. THE APPLICATION

2.1 This application follows the granting of full planning permission and listed building consent in May 2016 (applications 16/00200/FUL and 16/00201/LBALT) for the demolition of the existing cobbler’s workshop and garage and the erection of a new two storey shop. This application seeks consent for the demolition of the boundary wall. No reference was made to the demolition of the wall (a curtilage listed structure) or gate pier in the consideration of the aforementioned applications. Given their historic significance conditions were imposed which explicitly stated that the permissions did not convey any authorisation to demolish the boundary wall or pier and required the submission of revised plans which showed the retention of both structures, details of their abutment / flashing and a scheme for any propping, shoring, underpinning or stabilisation prior to the commencement of works.

2.2 Whilst the application proposes to retain the stone pier in its current position, no details of its abutment to the new building have been provided.

2.3 In appraising and justifying the removal of the boundary wall the applicant advises the following:

- Apart from the terminating stone pillar, and a bricked-up doorway, the wall is without copings or any other distinguishing feature. It is neither ancient, nor of any architectural merit. It is significant that the wall is noted for architectural quality in neither the Conservation Consultation document, nor the report of the Conservation Advisory Forum (19.4.16), nor the Case Officer’s Report and Recommendation (16.5.16) which were taken into consideration in determining the planning approval of 16 May 2016.
• To preserve this wall would entail propping, the careful removal of adjoining 20th century structures, underpinning, repointing, tying to the back wall of the new shop and the addition of a weathering cap. The existing wall would still not be sufficiently stable to form part of the new building. To allow for the wall thickness plus allowance for its irregularities would reduce the usable plot width for the new building by 275mm.

• The effect of the cost of the restoration works to the wall and the loss of floor area in the proposed shop unit on both floors would make the development uneconomic, and the outcome would be that the proposed new shop unit would not proceed. It is felt that the loss of this replacement of the present ugly outbuildings would an unfortunate outcome for the environment of Ashbourne town centre.

• These documents do refer to the location of this wall on a medieval burgage plot boundary. The application proposal would maintain this boundary, but mark it with the wall of the new building.

• It is possible to preserve the stone pillar without detriment to the proposed scheme, and in view of the opinions expressed, its retention, repair and stabilisation does form part of the present application. The problematic gate hook is to be removed and the crack repaired.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 The National Planning Policy Framework (March 2012) - Part 12: Conserving and Enhancing the Historic Environment
3.2 The National Planning Practice Guide (2014)
3.3 English Heritage ‘Historic Environment Planning Practice Guide’ (March 2012)
3.4 Ashbourne Conservation Area Appraisal (2008)

4. RELEVANT PLANNING HISTORY

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/00200/FUL</td>
<td>Demolition of cobbler’s workshop and garaging and erection of new two storey shop (use Class A1) and garage – Granted</td>
</tr>
<tr>
<td>16/00201/LBALT</td>
<td>Demolition of cobbler’s workshop and garaging and erection of new two storey shop and garage</td>
</tr>
<tr>
<td>15/00270/FUL</td>
<td>Two storey building to provide retail units, spa, salon and office space including alterations to existing building (at the rear of 16 St Johns Street) – Granted</td>
</tr>
<tr>
<td>04/01/0094</td>
<td>Erection of two storey retail unit – Withdrawn</td>
</tr>
<tr>
<td>04/04/0299</td>
<td>Erection of two storey retail unit – Withdrawn</td>
</tr>
<tr>
<td>0998/0549</td>
<td>Construction of two storey building for use as shop/garaging – Granted</td>
</tr>
</tbody>
</table>

5. CONSULTATION RESPONSES

5.1 Local Highway Authority:

Refer the Local Planning Authority to their previous comments, namely: “Due to the site not having any designated parking or loading/unloading space, all delivery vehicles will have to park on St John Street (on double yellow lines) and carry/trolley goods to the site in question. Whilst this is not ideal and not in the best interest of highway safety, it’s unlikely to create any severe safety concerns on the highway as the majority of shops and services on St John Street already operate in this manner.
Therefore, given the sites previous use and town centre location, there are no grounds for a highway safety objection."

A condition to secure a construction management plan was recommended.

5.2 Ashbourne Town Council:
Object. Members object to the removal of the wall and erection of a new garage, as this is a pedestrian area.

5.3 Georgian Group Midlands and Northern Office:

Advised the following in respect of applications 16/00200/FUL and 16/00201/LBALT:

The Group has no objection to the demolition of the existing twentieth century outbuildings. We do however; wish to object to the demolition of the brick boundary wall and stone gate pier to their rear, which appear to be of nineteenth century date. Historic boundary walls like this one are important to the character of the conservation area, and to the setting of the adjoining listed buildings. As a curtilage structure, any proposal to demolish it would need to be justified in terms of the criterial set out within the NPPF.

Nos. 18-20 St John Street were probably once part of the same property as No.16, and have a distinguished mid to late eighteenth century frontage to St John Street. The property also has a handsome gabled rear elevation of three storeys embellished with decorative bands and pronounced key stones to its sash windows. These embellishments suggest that the rear elevation of Nos.18-20 was designed for display, rather than as a utilitarian service elevation. This elevation is highly visible from within Horse and Jockey Yard, and is arguably the thoroughfare’s most distinguished architectural feature.

Whilst the proposed new shop unit is of a relatively modest scale it will nevertheless hide from view the first floor of the rear elevation of Nos. 18-20. The new structure would therefore cause a degree of harm to the setting of the listed building owing to its increased height, and may limit the uses to which parts of the listed building could be put in the future.

The Georgian Group would urge the applicants to withdraw this proposal and amend it to allow for the retention of the boundary wall. Efforts should also be made to mitigate the impact of any new unit on the setting of the listed building by either reducing the new shop’s height, or moving it further away from the rear elevation of the listed building. If the applicants are unwilling to amend their scheme then consent should be refused.

5.4 Conservation Advisory Forum (CAF):

- CAF considered the current proposals in detail (and particularly in connection with Condition 5 of the previous approval).
- CAF noted that the applicant (in their revised Statement of Significance & Impact) states that the Forum did not comment on the architectural quality of the wall in their comments from April 2016. This is incorrect as the CAF did make comment with specific regard to this wall, and stated:
  - It was noted that an historic brick wall and stone gate pier survived on the rear wall of the existing garages. This wall appears to be of 19th century date and marks the alignment of the medieval burgage plot. As the properties are listed the wall/post would be deemed a curtilage-listed structure. CAF considered that this should not be demolished but be preserved, repaired & retained in any re-development scheme.
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CAF disagree with the applicant that the wall has no architectural merit as its historic alignment, use of different brick, the ‘kink’ in the wall line, the blocked segmental doorway and the monolithic stone pier all contribute holistically & significantly to its historic, architectural and archaeological merit & value.

CAF sensed that the current proposal appeared to be an issue of constructional convenience rather than conservation. The wall & pier are curtilage-listed structures benefitting from statutory protection and, therefore, contributes significantly to the history & character of the listed buildings and historic burgage plots.

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Condition 5 of 16/00200/FUL required the retention, stabilisation & conservation of the existing boundary wall & pier.

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The Conservation Consultation stated – “The west wall of the current outbuildings has been built up against an older brick boundary wall marking the historic division between the plots (burgage plots). This older brickwork (19th century?) also retains a monolithic stone gate post and it’s capping stone. Both the older brick wall and the monolithic post are considered to be curtilage-listed structures and their retention in-situ is considered to be important (the plan as proposed does not indicate the walls or gateposts retention)”. The Conservation Advisory Forum recorded – “that an historic brick wall and stone gate pier survived on the rear wall of the existing garages. This wall appears to be of 19th century date and marks the alignment of the medieval burgage plot. As the properties are listed the wall/post would be deemed a curtilage-listed structure. CAF considered that this should not be demolished but be preserved, repaired & retained in any re-development scheme”.

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The historic wall/pier should be retained in-situ (subject to the advice & recommendations of a structural engineer) to design a support system to negate any collapse of the wall/pier prior to & during re-development works. The rear wall of the new building could abut the historic wall (as the current garage block does) and the junction between the two walls capped with an appropriate architectural detail/solution.

It is noted that the current wall has some ivy growth which will require removal. This may involve the wall requiring re-pointing to this particular elevation prior to the dismantling of the garage blocks.

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Because of this general potential for medieval archaeology, the plot between Horse and Jockey and Hood’s Yards, immediately south and west of the current proposal site, was subject to archaeological evaluation in the context of a recent planning application for commercial development. Despite the lack of mapped modern development on the site, it proved to have been substantially disturbed, with areas of deep 19th-20th century made ground and truncated natural deposits, and no surviving archaeological finds or features pre-dating the 19th century. Trenches 1 and 2 were excavated very close to the rear of the existing cobbler’s workshop and garaging on the edge of Horse and Jockey Yard, and identified (Trench 1) made ground to a depth in excess of 1.9m, and (Trench 2) the remains of a 19th-20th century outhouse.

From the evaluation of this adjoining site it appears that the archaeological potential of the current development site is likely to be very low, particularly as it has already been substantially disturbed by construction of the existing buildings. I therefore recommend that there is no need for further archaeological work in relation to the current proposals, and that the application should therefore be determined in line with the advice of the local planning authority’s conservation officer.

6. REPRESENTATIONS

6.1 Representations have been received from the owner of a property on the eastern side of Horse and Jockey Yard. They support the application and make the following comments:

We find that the demand by CAF to retain the historic wall at the rear of the plot to be totally unreasonable. If permission is granted for the redevelopment then to retain this wall and carry out all the necessary work will, I understand, make the cost too prohibitive and thus stop the proposal on economic grounds. Should the development go ahead as presently required then it is very unlikely that the existing historic wall will ever be seen; it also has no architectural merit. However, should permission be granted to demolish this wall then the replacement wall, which will be on the same line, will still retain the alignment of the suggested medieval burgage plot.
We understand that the applicants have agreed to preserve the stone gate pier but we would point out that it is our understanding that this pier was one of two which were erected in the early 20th Century for the gates of site which was then occupied by the Co-op coal yard which operated out of this site and their shop was at 14-16 St John Street.

The Development Group Archaeologists have indicated that their recent evaluation of the site immediately to the west of the previous cobbler’s shop has shown that the ground has been substantially disturbed and that there was little need for further investigation.

OFFICER APPRAISAL

7.1 The Local Planning Authority previously approved listed building consent to construct a new retail unit and garage at the rear of 18-20 St John Street. The application (code ref. 16/00201/LBALT) however, made no reference to the need to demolish the boundary wall and gate pier and a condition was imposed which required its retention. The siting, scale, design and appearance of the building has not changed. The sole issue to assess in respect of this application is therefore the impact of demolishing the curtilage listed wall on the special character and appearance of no. 16 and 18-20 St John Street and this part of Ashbourne Conservation Area.

7.2 Paragraph 132 of the National Planning Policy Framework advises that when considering the impact of works 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. It recognises that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. Paragraph 133 advises 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. There would be public benefit derived from the new retail unit to the town centre and conservation area in this case.

7.3 In seeking to justify the demolition of the boundary wall the applicant focuses mainly on its current condition rather than its architectural and historic quality / significance. As stated by the District Councils Design and Conservation Officer its alignment follows the medieval division between the burgage plots between the two properties (identified/recognised on the plan included in the Ashbourne Conservation Area Appraisal (2008)). Whilst the rear wall of the new building would retain the line of the medieval burgage plot its archaeology, construction and evolution represents a significant and important part of the towns development in this area, which would be lost to the detriment of the character and appearance of this part of Ashbourne Conservation Area and would result in the total loss of this important heritage asset and cause substantial harm to the setting of no. 16 and 18-20 St Johns Street.

7.4 In support of the proposal to demolish the wall the applicant advises that the restoration works and the loss of floor area in the proposed shop unit on both floors would make the development uneconomic and advise that the proposed new shop unit would not proceed on this basis. Whilst it is recognised that there would be public benefit to redeveloping this part of the town, it is not considered that the costs associated with retaining the wall, which is a freestanding structure and could be propped / tied by the rear wall of the new retail unit and loss of floorspace amounting to the width of the existing wall would be so prohibitive so as to make the development unviable. No evidence has been submitted to demonstrate this to be the case.
7.5 Paragraph 133 is clear in 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. No clear and convincing justification has been provided to demonstrate that the loss of the boundary wall would be necessary in this case to achieve the public benefit.

7.6 On the basis that the demolition of the boundary wall would result in the loss of this important designated heritage asset and cause substantial harm to the special character and appearance of no. 16 and 18-20 St Johns Street and character and appearance of this part of Ashbourne Conservation Area it is recommended that listed building consent be refused in accordance with guidance contained within the National Planning Policy Framework (2012).

OFFICER RECOMMENDATION:
Listed Building Consent be refused for the following reason:

1. The works would involve the demolition of a listed wall, which in terms of its archaeology, construction and evolution represents a significant and important part of the town’s development in this area. Its loss without clear and convincing justification would cause substantial harm to this important heritage asset and special character and appearance of no. 16 and 18-20 St Johns Street and the character and appearance of this part of Ashbourne Conservation Area contrary to guidance contained within the National Planning Policy Framework (2012).

NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:
1:1250 and 1:500 Scale Site Location and Proposed Block Plan numbered 1;
Document Titled Statement of Significance and Impact, Design and Access;
1:100 Scale Existing and Proposed Floor Layout and Elevations Plans numbered 3 Rev A, 4 Rev A, 5 Rev A and 6 Rev B;
Supporting Photographs received by the District Council on the 12th July 2016.
<table>
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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
<th>16/00373/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land for Equestrian Centre, Abbotsholme School, Rocester, Derbyshire</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Erection of indoor riding arena with access and parking</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>Mr Chris Whitmore</td>
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<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr Richard Mayfield</td>
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<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Doveridge</td>
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<tr>
<td><strong>AGENT</strong></td>
<td>Mr Neil McHugh</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr. Catt</td>
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<tr>
<td><strong>DETERMINATION TARGET</strong></td>
<td>12th September 2016</td>
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<tr>
<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major application</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>Not applicable</td>
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**MATERIAL PLANNING ISSUES**

- Whether the development would be appropriate in nature and scale in the context of its surroundings, and;
- the impact of the proposed development on the immediate and wider landscape;
- recorded ridge and furrow earthworks (a non-designated heritage asset), and;
- the local environment.

**RECOMMENDATION**

Approval with conditions
16/00373/FUL

Abbotsholme School, Rocester

Derbyshire Dales DC

Date: 09/09/2016

100019785
1. **THE SITE AND SURROUNDINGS**

   1.1 The application site relates to the site of an existing manege to the north of the buildings associated with Abbotsholme School (see figure 1). It is used by the school in association with outdoor equestrian activity and benefits from its own access off the access road (see figure 2) which serves the school and a series of residential properties beyond and follows the route of a bridleway / Public Footpath 44 Doveridge.

   1.2 The site is well contained within the school grounds and by existing landscape features associated with infrastructure such as the main school car park, which is located immediately to the east beyond an embankment.

   1.3 The site forms part of a small area of land listed in the Historic Environment Record as containing post-medieval ridge and furrow earthworks. It is however, in the entry that the earthworks appeared to have been levelled in 2010. Eighty metres to the north west of the site is a watercourse.

   1.4 To the north of the site are a series of residential properties which fall within the ownership of the school (see figure 3).

2. **THE APPLICATION**

   2.1 Full planning permission is sought to cover over the existing manege with a building in the form of a steel framed agricultural barn which will be 50m long by 30m wide. The building will have a shallow dual pitched roof, which will be 8.5m high to ridge. It is proposed to clad the gable ends of the building in profiled steel sheeting finished a dark green colour,
Ventair wall cladding at a high level, finished a light oak colour, vertical timber boarding at mid-level and profiled steel sheeting finished a dark green colour at a low level. It is proposed to face the roof in fibre cement sheets finished a green colour.

2.2 The vehicular access to the building will be widened and re-surfaced in tarmacadam and parking areas and a new manoeuvring area formed. Five new light bollards will be installed along the route of the access road and three lights fixed to south western gable end of the building.

2.3 It is proposed to plant 10 no. new trees at the northern end of the building.

3. **PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

3.1 Adopted Derbyshire Dales District Council Local Plan (2005)

- SF4 Development in the Countryside
- SF5 Design and Appearance of Development
- NBE8 Landscape Character
- NBE24 Archaeological Sites and Heritage Features
- NBE26 Landscape Design in Association with New Development
- L2 New Sport and Recreation Facilities
- L9 Safeguarding Public Rights of Way
- L11 Equestrian Development
- TR1 Access Requirements and the Impact of New Development
- TR8 Parking Requirements for New Development

3.2 Other:

4. **RELEVANT PLANNING HISTORY**

4.1 0597/0289 Use of part of school land and buildings for riding school open to the public – Granted (this permission included the formation of the manege).

5. **CONSULTATIONS**

5.1 Parish Council:
No comments received.

5.2 Local Highway Authority:
No objections to replacement of outdoor manege with indoor equestrian centre.

5.3 Environment Agency:
Do not wish to comment.

5.4 Derby and Derbyshire Development Control Archaeologist:
The proposal area contains part of a record on the Derbyshire Historic Environment Record (HER 19153), relating to medieval and/or post-medieval earthwork ridge and furrow to the north of Abbotsholme School. The HER record also however notes that these earthworks had been levelled by 2010. Recent aerial photographs suggest that there are no earthworks present, with the proposal site currently in use as a manege.

Abbotsholme School was formerly ‘Abbot’s Clownholm’ (1880 OS), with ‘Monk’s Clownholm’ and ‘Clownholm Cottage’ also identified in the area. The ‘Clownholm’ place name is attested as early as the 14th century, and may have been a medieval farmstead,
although the ‘Abbot’ and ‘Monk’ names seem to be a Victorian confection. The original site is not known, although Abbotsholme is perhaps the most likely candidate.

The ridge and furrow record for the proposal site suggests that this formerly lay within the open field, and there is consequently little probability that the original medieval farmstead was on this site. In any case, development of the site as a manege has in all probability removed any remaining archaeological potential.

I therefore conclude that the current proposals will have no archaeological impact.

5.5 The District Councils Landscape Officer:

There are no objections to this proposal. No existing trees will be lost as a result; space around the building is extensive and open enough to successfully accommodate it and additional tree planting will, in part, mitigate the visual impact on residents to the north.

There is unlikely to be any significant adverse impact on landscape character or public visual amenity as a result of the development.

6. REPRESENTATIONS

6.1 None.

7. ISSUES

7.1 Adopted Derbyshire Dales Local Plan Policies SF4 and L2 align with national guidance and are generally supportive of development that is required to serve the essential requirements of outdoor sport or recreation. This is provided that the proposals are appropriate in nature and scale to a rural area, preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Policy L2 also requires development to be well related to the settlement it is intended to be served and be capable of being accessed by a wide range of transport modes and by disabled people and those with restricted mobility.

7.2 The application site, although not directly related to any nearby settlement will serve the needs of Abbotsholme School, a large private school in open countryside. Great weight is given to the development of existing facilities and services that promote healthy communities in the National Planning Policy Framework. Paragraph 70 states that in order to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure that facilities and services are able to develop and modernise in a way that is sustainable. With regard to the expansion of schools, Paragraph 72 states that Local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice of education and should give great weight to the need to create, expand or alter schools.

7.3 The existing manege was granted planning permission in 1998. As part of this application it was stated that the facility would be open to the public. Policy L11 of the Adopted Derbyshire Dales Local Plan (2005) deals specifically with equestrian development and supports the use of land for equestrian purposes subject to a number of provisions relating to impact on the immediate and wider landscape and it not creating unacceptable problems in relation to neighbouring uses. If a facility is to be used for commercial purposes there is a requirement for it to be well related to a bridleway network. In this case the application site is well related to a bridleway (Public Footpath no. 44 ‘Doveridge’). The Local Highway Authority have not requested that its use be restricted in the interests of highway safety. Its use by the school and general public is therefore considered to be acceptable.
7.4 A key issue to assess is the impact of the development on the local landscape, recorded ridge and furrow earthworks and the local environment. The existing manage is already well contained by existing landscape features and an embankment. The scale of the building and its height is such that it could be readily absorbed into this part of the countryside / the landscape without detriment to its character and appearance. Additional tree planting to the north will help filter any views from this direction and mitigate and harm to visual amenity.

7.5 The site forms part of a small area of land that is listed in the Historic Environment Record as containing post-medieval ridge and furrow earthworks. The significance of this non-designated heritage asset has already been harmed / lost by the levelling of the land and the formation of the existing manege and would not, in this respect, be any more adversely affected by the proposed development.

7.6 In terms of the impact on the local environment the siting of the building, its scale and appearance is such that it would not affect the residential amenity of the occupants of the nearest residential dwellings, which are owned by the school to the north. Although lighting is proposed this will be concentrated to the south of the building and would not have any adverse impact on visual amenity. Existing trees and landscape features will be retained and new tree planting is likely to provide biodiversity enhancements. There would be no adverse impacts on the nearby watercourse.

7.7 Taking the above into consideration it is considered that the proposed development would satisfy the relevant provisions of the development plan and national guidance and subject to conditions to prevent the installation of any further lighting and to secure the implementation of the new tree planting to the north, it is recommended that the application be approved.

8. RECOMMENDATION

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

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

2. Other than the lighting hereby approved, this permission does not convey any authorisation to illuminate the building or wider site area with any additional lighting. No such lighting shall be installed without the prior written approval of the Local Planning Authority.

3. Ten native trees shall be planted to the north of the building hereby approved in the location shown on proposed layout plan numbered MUK1536-04 Rev A in the first planting season following first use of the building and shall thereafter be maintained free from weeds and protected from damage by vermin and stock unless otherwise agreed in writing by the Local Planning Authority. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reasons:

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. In the interests of visual amenity in accordance with the aims of Policies SF4 and L11 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
3. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

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

This Decision Notice relates to the following documents:
- Drawing no. MUK1536-01 Rev A – Proposed Site Layout
- Drawing no. MUK1536-02 Rev A – Topographical Survey
- Drawing no. MUK1536-03 Rev A – Proposed Location Plan
- Drawing no. MUK1536-04 Rev A – Proposed Layout
- Drawing no. MUK1536-05 Rev A – Proposed Parking Layout
- Drawing no. MUK1536-06 Rev A – Proposed Sections A-A, B-B & C-C
- Drawing no. MUK1536-07 Rev A – Proposed Sections D-D, E-E & F-F
- Drawing no. MUK1536-08 Rev A – Contractors Access/Accommodation Layout
- Drawing no. MUK1536-09 Rev A – Proposed Drainage Layout
- Drawing no. MUK1536-10 Rev A – Proposed Building Plan
- Drawing no. MUK1536-11 Rev A – Proposed Roof Plan
- Drawing no. MUK1536-12 Rev A – Proposed Elevations
- Drawing no. MUK1536-13 Rev A – Site Layout with aerial photograph
- Flood risk map
- Document Titled Design and Access Statement, and;
- Supporting Photographs received by the District Council on the 25th May and 13th June 2016.
### Application Details

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<tr>
<th><strong>APPLICATION NUMBER</strong></th>
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<tbody>
<tr>
<td><strong>SITE ADDRESS:</strong></td>
<td>Land at Luke Lane, Brailsford</td>
</tr>
<tr>
<td><strong>DESCRIPTION OF DEVELOPMENT</strong></td>
<td>Outline application for residential development of up to 47 dwellings with associated access</td>
</tr>
<tr>
<td><strong>CASE OFFICER</strong></td>
<td>H Frith</td>
</tr>
<tr>
<td><strong>APPLICANT</strong></td>
<td>Mr Steve Louth</td>
</tr>
<tr>
<td><strong>PARISH/TOWN</strong></td>
<td>Brailsford</td>
</tr>
<tr>
<td><strong>AGENT</strong></td>
<td>Miss Kathryn Young</td>
</tr>
<tr>
<td><strong>WARD MEMBER(S)</strong></td>
<td>Cllr A Jenkins</td>
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<td><strong>DETERMINATION TARGET</strong></td>
<td>21.09.16</td>
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<td><strong>REASON FOR DETERMINATION BY COMMITTEE</strong></td>
<td>Major development</td>
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<tr>
<td><strong>REASON FOR SITE VISIT (IF APPLICABLE)</strong></td>
<td>For members to consider the site in its context and the impacts of the proposed development.</td>
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</table>

### Material Planning Issues

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

### Recommendation

Approval
16/00436/OUT

Land at Luke Lane, Brailsford

Derbyshire Dales DC

Date: 09/09/2016

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
INTRODUCTION

This report is being re-presented to committee after being deferred from the meeting of the 6th September due to concerns from members of the public that the amended plan had not been appropriately signposted on the Council’s website.

This report has been updated including previous late representations.

1. THE SITE AND SURROUNDINGS

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

2. DETAILS OF THE APPLICATION

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

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

47 dwellings are now proposed with built development retained within the area the subject of draft plan allocation HC2(g).
The initial scheme included an indicative housing mix. A housing mix has not been submitted for the amended scheme. However, the mixes of house types/sizes can be negotiated through a reserved matters application.

The applicant submitted a significant amount of supporting information with the application which relates to the development of the whole site rather than the reduced areas, these documents are as follows and will be referred to in the assessment of the development:

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

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   SF6: Protection of the Best Agricultural Land
   SF7: Waste Management and Recycling
   SF8: Catering for the Needs of People with Disabilities in Development and Redevelopment
   H4: Housing Development Outside of Settlement Framework Boundaries
   H9: Design and Appearance of New Housing
   H12: Alternative Provision for Affordable Housing Outside Settlement Frameworks
   NBE5: Development Affecting Species Protected by Law or are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important in the Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE26: Landscape Design in Association with New Development
   NBE27: Crime Prevention
   CS8: Provision of Community Infrastructure
   TR1: Access Requirements and the Impact of New Development
   TR2: Travel Plans
   TR3: Provision for Public Transport
   TR8: Parking Requirements for New Development
   L6: Outdoor Playing and Play Space in New Housing Developments
2. **Other:**
   - National Planning Policy Framework
   - National Planning Practice Guidance
   - The Landscape Sensitivity Study carried out by Wardell Armstrong dated August 2015
   - Draft Derbyshire Dales Local Plan

   **Policy S3: Settlement Hierarchy** - identifies Brailsford as a third tier settlement:
   These villages possess a limited level of facilities and services that together with improved local employment provide the best opportunities outside the first and second tier settlement for greater self-containment. They will provide reduced level of development in comparison to higher order settlements.

   **Policy HC1: Location Of Housing Development** – identifies approximately half of the overall field as housing site HC2 (g) of 1.51 Hectares suitable for 47 dwellings.

   **Policy HC4: Affordable Housing**
   **Policy HC10: Housing Mix and Type**

4. **RELEVANT PLANNING HISTORY:**
   None

5. **CONSULTATION RESPONSES**

   **Parish / Town Council**

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

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

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

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

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

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

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

The density and size of the site in excess of 25 dwellings per hectare and therefore inappropriate for a rural area.

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

Further comments from Brailsford parish Council:

Density:
The density of the site is in excess of design guidelines and not in keeping with the setting and location and contrary to policy SF5 of the adopted local plan and policy N9 of the draft local plan. The accepted density of a site in a rural setting is 25 dwellings per Hectare; therefore on a site of 1.51 Hectares the housing numbers should not exceed 42.5 dwellings and not the 47 as proposed. The indicative design, which covers more than the area recommended as suitable in the draft Local Plan, is consistent with the appearance of a large (urban) estate. Our emerging Neighbourhood Plan, based on extensive consultation, sets a preference for smaller groupings of dwellings more consistent with a village environment which is not, as the report states, generally based on a greater density than those in urban settings.

Off-street Parking:
The site has been altered from the original proposal to exclude the off street parking facility which was seen as a particular benefit to the school as a dropping off pick up facility. The loss of another community benefit which was promised during the applicant’s public consultations

Community Benefits:
The proposed section 106 agreement offers no benefit to the local community as the majority of the contribution is to go to schooling provisions outside of the parish. The suggestion is on a pro rata basis is for £3,710 per unit, totalling £174,395. The norm would be 25% towards the Parish. This is totally unacceptable and contrary to the original presentation made to the Parish Council by the developer and in discussions with DDDC when the burden of new development which has fallen to Brailsford has been noted.

Specialist Bungalows:
There is an identified need for bungalows by DDDC given the demographic profile. This requirement has been a major feature in the public consultations held in the Parish to support the preparation of the Neighbourhood Plan. In the key design principles as identified under number 5 of the master plan key, two bungalows appear to be proposed. However, they are not identified in the mix and tenure listed in the planning report. At the last DDDC Planning Meeting (August 2016) which considered an application for 6 specially designed bungalows in Brailsford aimed as downsizing opportunities for residents, and thus freeing up family-sized homes, the Committee accepted the importance of the need to include bungalows of this type in any new development. The proposed small development was refused but a public commitment was given at the meeting by DDDC Officers that bungalows of this type would be accommodated as a key requirement in any future applications for development in Brailsford.

Design Guidance:
The conditions on the recommendation for approval do not make any specific reference to the design policy to be adopted in the reserved matters. Given the Design Policy which will be in the emerging Neighbourhood plan, it is recommended that this requirement be conditional on the same and be given weight and due regard. This should include the requirement noted in 1 above as well as conditioning a mixed design of property and use of local building materials.
5.2 No comment to make on this application. Refer to the Flood Authority.

Derbyshire County Council (Highways)

5.3 Comments on the initial scheme:

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

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

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

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

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

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

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

Comments are limited to the primary vehicle access point off Luke Lane only, as identified on the indicative plan. Please advise if further comments are required regarding access within the development.

No weight is given the master-plan drawing as submitted and the absence of specific comments relating to the internal estate street layout should not be taken as an indication that the proposed layout is acceptable to the highway authority. A more detailed
assessment on this will be dealt with at the reserved matters stage. The developer should be encouraged to view the County Council’s 6 C’s design guide and enter into pre-application discussions if they are intending to pursue the adoption of estate streets at a future date.

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

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

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

Comments on the amended scheme:

Revised plans have been submitted to address these issues raised by the Highway Authority and further comments from the Highway Authority have been received as follows:

The scale of development has been significantly reduced from (up to) 71 no dwellings down to (up to) 47 No dwellings. This will obviously have a consequential reduction in traffic movements, however, as you will be aware from my previous highway consultation response it was not considered that the impact of the development, in transportation terms at least, would have a negative or detrimental impact on highway safety on the surrounding highway network.

Despite providing comments on the Travel Plan document it would appear this document has not been updated / re-submitted. Whilst technically the revised scale of development would not necessarily warrant the support of a Travel Plan I would still encourage this to be pursued in order to promote more sustainable forms of travel and to influence travel behaviour of future residents. A revised document could be secure by an appropriate condition – the Highway Authority would still wish to be involved in the future monitoring of the Travel Plan and would look to recover its costs in doing so through any Section 106 Agreement (as outlined in my previous consultation response).

The revised indicative masterplan drawing has, in line with my previous comments, removed the frontage informal lay-by arrangement, which introduced concerns from a highway safety perspective. However, it would appear from the revised drawing that the ‘community’ car park element has also been removed from the proposals. As inferred in my previous consultation response the Highway Authority were prepared to sacrifice the lay-by parking, to improve the site frontage, given compensatory ‘community’ parking within the site formed part of the application proposals. Whilst the scale of provision could be debated / negotiated, its inclusion should still continue to form part of the application
proposals and this could be conditioned in any consent issued, for it to be addressed at any subsequent reserved matters or full application stage.

Whilst the masterplan drawing indicates a revised internal estate street layout, given only means of access is currently being considered as part of this application, no weight is given to the internal estate street layout as submitted. The absence of specific comments relating to the internal estate street layout should not be taken as an indication that the proposed layout is acceptable to the Highway Authority. A more detailed assessment / comments on the internal layout will be dealt with at a future reserved matters stage (or full application) and appropriate conditions can be formulated on this basis. The Developer should however be encouraged to view the County Council’s current 6C’s residential design guide and enter into pre-application discussions if they are intending to pursue potential adoption of the proposed estate streets at a future date.

Should the proposals now be acceptable from a planning perspective, based on the latest revised plans, there is no evidence to suggest that the development proposals would have a severe impact on the surrounding highway network (with reference to Paragraph 32 of the National Planning Policy Framework), especially given the considerable reduction in the scale of development now proposed. Whilst there are still some outstanding highway items to resolve these may be dealt with by condition and addressed at any subsequent reserved matters or full application stage.

Based on the above comments, and those contained in my previous highway consultation response, I would recommend the following Section 106 Agreement content along with conditions and footnotes:

**Suggested Section 106 Agreement content** - Contribution not exceeding £2500 for travel plan monitoring. Responsibility for the monitoring of the Travel Plan ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits and attending meetings as appropriate, to ensure the Travel Plan meets its agreed targets.

**Strategic Planning Policy (DCC)**

*Comments on the initial scheme:*

5.4 No request for mitigation with respect to waste management.

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

In considering the development for 71 dwellings along with other approved development in Brailsford there is sufficient capacity within the primary school to accommodate the increased pupil numbers and therefore no contribution is required in this respect. For 71 dwellings 11 secondary and 4 post-16 pupils places were required and the contribution for this given.

*Comments on the amended scheme:*

On the revised scheme to 47 units the development contribution for school places is altered as follows:

47 dwellings would generate 8 secondary and 3 post-16 pupils. Given that the secondary school will be over capacity as a result of additional demand from recently approved planning applications, none of the secondary or post-16 pupils could be accommodated at the normal area secondary school. The County Council therefore requests the following contributions: £137,409.36 for 8 secondary places and £55,883.70 towards the provision of 3 post-16 places. (QEGS project B and QEGS project C)
It is understood that there are proposals to construct a residential development of up to 71 houses at the above site. The site comprises an arable field with boundary hedgerows, scattered trees and mixed plantation woodland. It is understood that the hedgerows, woodland and trees, that are of most ecological value, are to be retained as part of the development. Overall the survey work that has been undertaken for the site is appropriate and has been undertaken in line with best practice guidance.

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

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

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

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

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

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

The flood risk assessment detail does not comply with the DEFRA Non-statutory technical standard for sustainable drainage systems.
The applicant is proposing to dispose of surface water to a linear ditch on the eastern boundary of the site. No information has been submitted detailing the existing condition of this ditch, which would evidence whether it can sufficiently accept and convey flow.

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

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

Comments on the amended scheme:

With regard to the amended scheme to 47 dwellings the following comments have been received:

– Following a brief review of the revised layout, our previous comments and recommended conditions still apply.

Arboriculture Officer (Derbyshire Dales)

5.8 No response received

Environmental Health (Derbyshire Dales)

5.9 No objection

Strategic Housing (Derbyshire Dales)

5.10 Comments on the initial scheme:

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

Comments on the amended scheme:

For the revised scheme of 47 dwellings the following mix and tenure is proposed:

11 homes (22.5%) on site with the remainder as an off-site contribution (a further 22.5%) is acceptable.

The proposed affordable housing mix of 2 x 1 bed, 4 x 2 bed bungalows, 3 x 2 bed 4 person houses, 2 x 3 bed 5 person houses is acceptable and we welcome the space standards. However, as previously stated, we require the 2 x 1 bed dwellings to be houses, and the bungalows should be 4 x 2 bed 4 person bungalows achieving M4 (3) wheelchair user standards.

The ‘proposed indicative masterplan’ does not make it clear where the affordable homes will be on the site. We would welcome a tenure blind scheme with the affordable homes on different parts of the site, rather than in one place and some phasing in the completion of the affordable homes. The affordable homes should not have a strict local connection criteria attached, so that they can meet housing need from across the Dales.
The affordable homes should not have a strict local connection criteria attached, so that they can meet housing need from across the Dales.

Development Control Archaeologist

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

6. REPRESENTATIONS RECEIVED

6.1 A total of 33 representations have been received. A summary of the representations is outlined below:

Comments on the initial scheme:

6.2 Character and Appearance

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

6.3 Highway Safety

- Such development will further increase traffic problems on Luke Lane, at the medical centre and on Church Lane.
- Additional congestion in and around the village also on the rural lanes.
- The proposed access 6.5m wide almost opposite the new school with minimal splays presenting additional hazard to children crossing the road. The bend from Mercaston Lane is only 80m away. Traffic speeds are likely to be 35mph. HGV’s using the road is known to be 3 times the national average, incidents have already occurred narrowly avoiding injury to children as vehicles come round the bend at speed.
A number of serious accidents have happened on the A52 in the last few years. The additional 100 cars to be generated by the development would increase the risk of more accidents as well as stacking on Luke Lane.

Traffic at the junction with the A52 is growing daily causing many delays. A safer crossing to the village amenities is needed. The lay by adjacent to the site is often used for grit in the winter and for parking when the weather is bad.

Consideration should be given for the cumulative impacts on traffic from other developments also proposed. The proposed pick up and drop off point would seem illogical and dangerous.

The vast number of proposed residents will use the private motor car due to poor bus services. Congestion will cause deterioration in air quality. The modified layby is too near the junction of Mercaston Lane. How will the increased number of bins be controlled on collection day. No cycle storage is proposed in the scheme.

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

6.5 Draft Local Plan
The draft allocation is for 45 units not 71, therefore 45 should be the maximum. This is being rushed through contrary to the local plan. Given that there are 9 of the third tier villages, it is totally unacceptable that Brailsford should absorb over 30% of the total new build especially when 5 of the other villages specified have a higher point count and 2 have no allocation at all. This matter will be brought to the attention of the Inspector in due course.

Additional houses could be added to other sites approved elsewhere. This should be delayed until the neighbourhood plan is agreed. The SHLAA assessment notes the site has a capacity of 47 dwellings, a substantial screen of vegetation should be planted on the northern boundary and hedgerows and trees should be retained. The area has high landscape sensitivity and only 50% of the site is developable, this proposal ignores this.

It would be better to further develop the Gladman site which has a better access and safer route to school. The village is not sustainable enough to be a tier 3 settlement. Brailsford is being swamped by development. This and the other application in Brailsford for a further 35 dwelling should be refused. The site was not fully assessed when originally put forward. The number of dwellings originally envisaged for Brailsford should not be exceeded and if there are to be more on this site the number should be reduced elsewhere. There are limited opportunities there for paid employment. This application represents a 25% increase in the scale of the village. The rationale for selecting Brailsford as a third tier settlement is flawed. Brailsford is getting far more development than other third tier settlements. The proposal is at odds with the recent assessment by DDDC in terms of landscape impact and capacity. Determination would be premature ahead of the local plan allowing development to be a free for all difficult to control.

Proposals should not be determined until the neighbourhood plan is agreed.
6.6 Amenity
Detrimental to the residents who back onto the field
Harmful to the health and wellbeing of the residents
The proposed development will overlook neighbouring dwellings
The gap between existing and proposed dwellings is too tight.
This will cause harm to the amenity of neighbouring residents through overlooking and loss of privacy.
Development should be bungalows to reduce impact.
The new dwellings will cause overshadowing of dwellings and garden areas
Would urge the Council to consider the human rights of residents in terms of right of peaceful enjoyment of property and a right of privacy.
This is a departure from the local plan and therefore should be refused.
There will be light pollution in a dark sky area, the Flamsted Observatory is located on North Lane and requires dark sky.

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

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

6.9 Other
The new dwellings being built are difficult to sell, this shows a lack of demand for such housing.
Houses should be built on brownfield land not on green fields.
Loss of green belt
Noise
Should be sensitive and sustainable development
The strong sense of community would be destroyed
The village hall is too small and in need of repair
Development should be sustainable
This is opportunistic development
A play area is proposed next to the swale which is a health and safety risk. Loss of grade A agricultural land

A new village hall should be provided for the community through this development. Beyond the settlement boundary and therefore away from the nucleus of the village

The development will bring anti-social behaviour through the proposed recreational facilities.

New footpaths will bring forward issues of security and privacy, if pursued a 6 foot high fence should be provided for existing residents.

Insufficient community benefits to be provided such as a small supermarket. All applications for development should be considered holistically.

The entire community objects to this development.

Provision should be made to improve the existing play area.

The application submission shows a lack of understanding of the locality.

The provision of the community car park is laughable being too small and a visitor car park for the development – a new medical facility would be better.

Whilst it is understood more housing is needed this development is a step too far.

This would take away the simple farming way of life which is beneficial to all.

Comments reported as late items to the committee of the 6th September 2016:

6.10 A further 5 letters of objection have been received from local residents including a Parish Councillor, the key points of these letters are summarised below:

- Extensive consultation has been carried out through the local plan this site was widely criticised and rejected for 3 reasons: impact on landscape, additional traffic and parking difficulties adjacent to the new school and water run-off and flooding onto The Plain.

- The proposed density is inappropriate.

- Unnecessary encroachment into the open countryside.

- The grouping of houses should be as on The Plain.

- There is no design approach for the site.

- Bungalows are required for older residents to enable residents to downsize.

- The August committee refused bungalows these should now be provided as part of this scheme.

- The S106 makes no reference to the normal benefits to a village. Funds are required to improve the play facility and refurbish the village hall.

- This will further over burden the school which was undersized when constructed – will they have to build another? There is limited scope to extend it.

- DDDC has a responsibility to act upon the democratic voices of the village.

- The work on the neighbourhood plan has concluded that we do not want estates stuck on to the perimeter of the village. The Miller Homes development a completely disconnected form the village and looks like urban housing.

- The site is above the village where housing will totally overshadow the existing houses.

- The accepted density of 25 units per hectare has been exceeded. It does not make sense to have more dense development on the edge of a village.

- There are no conditions on the style of housing, the mix or design and use of local materials.

- There is a desperate need for off street parking for the school, this was promised but has now been dropped.

- The recommendation is disappointing.

- Residents enjoy looking over the fields at the open countryside and this will be lost. Noise and disruption will have an adverse impact on the health and well-being of residents particularly vulnerable residents.
This goes against all principles of preserving green belt and the character of rural villages.

Comments received prior to the preparation of this agenda item following the meeting of the 6th September:

6.11 One letter has been received from a local resident which raises the following concerns:
The neighbourhood plan is now being made available for Pre-submission. This site was rejected by a majority as the site scored very low on the ground of impact on landscape, visibility, unnecessary encroachment into countryside as well as traffic impacts.
Do not want urban sprawl prefer to see small scale developments and no ‘add-on’ estates.
The proposed density is still too high above the Council's nominated level.
High density is not inconsistent with a village environment. Development nearby from the 1970’s and 80’s was much lower density and smaller groups of buildings.
The indicative layout sets the scene. A large urban style estate is proposed.

Any development should accord with the neighbourhood plan with a reduction in density and of a design that is compatible with a rural environment, larger gardens, hedges and parking for at least 2 vehicles. On street parking is already happening on the new estate.
Such matters should be subject to a condition. A footnote should be added which states that the indicative layout is not acceptable.

There is a demand for bungalows in the village, these should be incorporated. Such a requirement should be conditioned.

The S106 agreement offers no benefit to the community with the contribution for schooling provision going outside of the county.

Brailsford has already increased by 25% this will bring that increase to 50%. Can members please consider the total provision?

The village has limited amenities a GP surgery that is near capacity, a small post office and shop and a village institute in need of refurbishment.

7. OFFICER APPRAISAL

Planning policy

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

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

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

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

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

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

**The sustainability of Brailsford as a third tier settlement**

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

7.2 Notwithstanding this, in considering the inherent sustainability of third tier settlements, it is clearly not appropriate to have unrestrained residential expansion which would be unsustainable in terms of heavy reliance on the private car and also lead to unwarranted encroachment into the countryside detrimental to landscape character and appearance and the setting of the settlement. The reduction of this scheme to 47 units is considered to address concerns in this regard and strike an appropriate balance between meeting housing needs and sustaining local services without resulting in unsustainable expansion of the village.

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

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

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

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

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

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

Landscape Impacts

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

Highway safety

7.7 Significant concerns have been raised regarding the congestion within the village and the
impact the development will have in terms of increasing congestion, causing harm to
highway safety close to the school crossing and visibility. Consideration of the siting of the
access is being sought at this outline stage. The Local Highway Authority has considered
the proposal in detail and originally raised concern regarding the safety of the lay-by
feature. This element has now been removed from the scheme along with the community
car park. This will be a loss of off street parking close where parking problems have been
identified associated with the school. In order to compensate for the loss of parking further
public parking provision is required via the highway conditions to be provided via the
reserved matters application. Subject to the stringent highway conditions identified the
proposed development is considered to be acceptable in terms of highway safety.
Residential amenity and loss of dark sky and impact of footpaths

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

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

Land drainage and sewerage capacity

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

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

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

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

Impacts upon ecology

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

7.14 Although no great crested newts were recorded on site DNA testing indicated their former presence in ponds 3 and 4 located to the west of the site. The report considered that
because the site provides sub-optimal habitat for great crested newts (the field) and the optimal habitat (hedgerows and woodland) is to be retained that the development could be undertaken under a non- licensable method statement. DWT would support this approach. The site layout, although indicative, has shown that hedgerows can be retained outside of domestic gardens and are instead appropriate for management in the future. More detail of the landscaping of the site will be submitted as a reserved matter. This is welcomed. An important consideration is that the northern part of the site will be left undeveloped and that this will provide a wildlife corridor along with the existing planting to the east of the site. It is considered that subject to conditions the site can be developed without causing harm to protected species and habitat.

**Character and appearance**

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

**Developer contributions**

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

7.17 It is acknowledged that there is a need for bungalows in Brailsford and the comments from the strategic housing team affirm this need. Given the outline nature of the development the detail of the house types for the affordable housing provision cannot be determined at this stage. Therefore the S106 obligation will be to provide a percentage of affordable housing on site with off-site provision, the final numbers and types being confirmed when the detail of the development including numbers is apparent.

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

7.19 The strategic planning policy team at DCC have required £137,409.36 towards the provision of 8 secondary places and £55,883.70 towards the provision of 3 post-16 places. The developer has agreed to make this contribution.

7.20 A contribution of £2500 is required for the Highway Authority to work with the developer regarding the ongoing work on the Travel Plan.
7.21 A S106 legal agreement will be required to ensure the provision of the on-site and off-site affordable housing, the school provision and the highway contribution for the travel plan.

Housing mix

7.22 The originally submitted housing mix did not meet the needs required in this locality or the emerging policy requirement as defined by policy HC10 of the draft local plan. However, the application at this stage is outline only and therefore the housing mix will be defined at the reserved matters stage. In this respect it is appropriate to add a footnote to any permission advising the applicant of the expectation in regard to housing mix in accordance with the evidence base demonstrated through policy HC10.

Loss of high quality agricultural land

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

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

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

Conclusion

7.26 The Planning Policy Context part of this ‘issues’ section sets out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to be weighed in the planning balance.

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

7.28 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.29 Although national guidance indicates that applications for new housing development should be granted where relevant policies are out of date, the council can now identify a rolling five year supply of housing land and allocations within the emerging local plan will also provide enough housing land throughout the plan period to meet the District Councils objectively assessed housing needs. The benefits of providing new housing to meet the districts housing needs outside of settlements and on land not benefiting from draft housing allocation can therefore only be attributed limited weight. It is, however, important
to weigh this alongside the other social, economic and environmental benefits and disbenefits of the scheme in reaching a balanced judgement on the sustainability of the scheme.

7.30 In this case the social role would be met through the delivery of housing to meet the needs of the district including affordable housing provision in a sustainable location within close proximity to the services and facilities provided within the village of Brailsford.

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

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

7.33 Brailsford is a sustainable settlement where additional growth can be accommodated and where such growth will aid the viability of local services. It is acknowledged however that despite the local services and facilities in Brailsford many journeys will need to be made by the private motor car. Brailsford, whilst suitable for some expansion, is not an appropriate location for unrestrained housing expansion which would be unsustainable and detrimental to the setting of the settlement. The Local Plan allocations process has indicated substantial housing growth. Going beyond this was not deemed sustainable or justifiable in landscape terms. In its reduced form, in line with the draft allocation, the provision of 47 dwellings on this site is not considered to result in disbenefits that cannot be mitigated against with appropriate additional conditions, therefore the proposal meets the requirements of sustainability.

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

8. **RECOMMENDATION**

That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on-site and off-site to make up provision to the equivalent of 45%, the contribution towards school places of £137,409.36 for 8 secondary places and £55,883.70 towards the provision of 3 post-16 places as required by the County Council and payment of £2,500 to the Highway Authority for continued work with the developer regarding the travel plan and subject to conditions covering the following matters: -

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

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

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

3. The developable area of the site shall be as defined on plan no. BIR.5091_6_1D proposed indicative master plan received 25.08.16

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

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

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

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

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

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

10. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

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

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

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

14. Condition LA12a: after c) insert ‘including details of root protection areas to all trees and hedgerows (to BS 5837 standards) to be retained’
15. Condition LA13a: Landscaping to be carried out

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

17. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The plan / statement shall provide for:
- Parking of vehicles for site operatives and visitors,
- Storage of plant and materials and site accommodation,
- Routes for construction traffic,
- Method of prevention of mud / debris being carried onto the public highway,
- Proposed temporary traffic management / restrictions,
- Arrangements for loading / unloading and turning vehicles within the site,
- Site access arrangements and roadside fencing / hoarding,

18. No development shall be commenced until a temporary access for construction purposes has been provided to Luke Lane in accordance with detailed designs previously submitted to the Local Planning Authority for written approval. The access shall be laid out and constructed to accommodate construction vehicles, laid out at least 6.5m wide and provided with minimum 2.4m x 56m visibility splays in each direction; the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level. The temporary access arrangements shall be retained in accordance with the approved scheme throughout the construction period, or until such time as the permanent access is taken into use.

19. As part of any subsequent reserved matters or full planning application for this site detailed designs for the permanent access (layout and construction), shall be submitted to and approved in writing by the Local Planning Authority. The access shall be laid out, constructed, drained and lit in accordance with the approved details and provided with minimum 2.4m x 56m visibility splays in each direction (the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high, relative to the nearside carriageway channel level), prior to occupation of any dwelling it serves. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

20. Within 21 days of the permanent access being taken into use any temporary construction access shall be completely removed and the highway margin re-instated, in a manner to be agreed with the Local Planning Authority in consultation with the Highway Authority.

21. As part of any reserved matters or full planning application for this site detailed designs for the following shall be submitted to and approved in writing by the Local Planning Authority:-
- Improvements / enhancements to existing or provision of new pedestrian routes linking the site to existing facilities within Brailsford, to include appropriate and safe crossing facilities to assist pedestrians where required,
- Detailed designs for the site frontage to Luke Lane, including the highway verge / existing informal lay-by area,
- Compensatory car parking arrangements within the development site to accommodate any potentially displaced vehicles as a result of the formation of the permanent access / reconfiguration of the frontage highway verge areas.
22. Any subsequent reserved matters or full application for this site shall include detailed designs of the internal layout of the site in accordance with the guidance contained in the “Manual for Streets” document issued by the Departments for Transport and Communities and Local Government and in accordance with the County Council’s own residential design guide – the 6C’s design guide – http://www.leics.gov.uk/htd.

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

24. The carriageways and footways shall be constructed in accordance with the details approved under condition 30 above, up to and including binder course surfacing, to ensure that each dwelling, prior to occupation, has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing public highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

25. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

26. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, together with secure cycle parking, all to be laid out, constructed and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

27. As part of any reserved matters or full application for this site details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

28. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

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

Reasons:

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

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

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

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

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

9. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted.

10. To ensure that surface water from the development is directed towards the most appropriate water body in terms of flood risk and practically by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonable practicable in the following hierarchy:
   1. into the ground (infiltration)
   2. to a surface water body
   3. to a surface water sewer, highway drain or other drainage system
   4. to a combined sewer.

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

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

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

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

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

17-29. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

NOTES TO APPLICANT:

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

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

3. The provision of affordable housing as detailed through the reserved matters application shall include the following type and tenure:
   - 2 x 1 bed and 4 x 2 bed bungalows
   - 3 x 2 bed 4 person houses
   - 2 x 3 bed 5 person houses

   It is required that the 2 x 1 bed dwellings to be houses, and the bungalows should be 4 x 2 bed 4 person bungalows achieving M4 (3) wheelchair user standards.

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

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

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

5. It is anticipated that as part of the reserved matters the following mix of market housing will be proposed in accordance with policy HC10 of the Draft Local Plan:
   - 1 bed – 5%
   - 2 bed - 40%
   - 3 bed – 50%
   - 4+bed – 5%
6. The County council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDs maintenance once the development is complete.

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

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

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

10. Footnote NFA 8

11. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.

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

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

14. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
15. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

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

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

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

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

20. Further advice regarding Travel Plans may be obtained from the Strategic Director of Economy, Transport and Communities at County Hall, Matlock (tel: 01629 580000 and ask for the Sustainable Travel Team).

21. This decision notice relates to the following documents:
Amended master plan no. BIR 5091_6_1D received 25.08.16
Landscape and visual impact assessment received 22.06.16
Topographical survey no. 23118_T received 22.06.16
Ecological mitigation strategy received 01.07.16
Site location plan no. BIR 5091_7_1A received 22.06.16
Planning statement received 22.06.16
Statement of community engagement received 22.06.16
Sustainability statement received 22.06.16
Economic benefits statement received 22.06.16
Agricultural land classification received 22.06.16
Ecological appraisal received 22.06.16
Great crested newt survey report received 22.06.16
Hedgerow and survey assessment received 22.06.16
Archaeological desk based assessment received 22.06.16
Geophysical survey report received 22.06.16
Geological desk study report received 22.06.16
Transport assessment received 22.06.16
Travel plan received 22.06.16
Flood risk assessment received 22.06.16
Sustainable drainage statement received 22.06.16
Transport and infrastructure received 22.06.16
Arboricultural advice received 22.06.16
Design and access statement received 22.06.16
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<tr>
<td>ENF/13/00095</td>
<td>Unauthorised alterations to listed buildings - 15 - 17 Church St, Ashbourne, Derbyshire DE6 1AE</td>
<td>Bagshaw Agricultural Vine House 15 Church Street Ashbourne Derbyshire DE6 1AE</td>
<td>Pending Consideration</td>
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<td>ENF/14/00071</td>
<td>Unauthorised building works to facilitate a Biomass Boiler and affecting the setting of a listed building.</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
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<td>ENF/15/00014</td>
<td>Unauthorised alterations to listed building. Installation of photo voltaic panels on roof slope - Sturston Hall Farm, Ashbourne, DE6 1LN</td>
<td>Sturston Hall Farm Mill Lane Sturston Derbyshire DE6 1LN</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/15/00035</td>
<td>Unauthorised signage and paintwork</td>
<td>Drink Zone Plus Ground Floor 5B St John Street Ashbourne Derbyshire DE6 1GP</td>
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<td>ENF/15/00072</td>
<td>Unauthorised change of use of ancillary residential accomodation to self contained holiday cottage and change of use of agricultural land to domestic curtilage</td>
<td>Parkfield House Farm Kniveton Lane Offcote Derbyshire DE6 1JQ</td>
<td>Notice Issued</td>
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<tr>
<td>ENF/15/00085</td>
<td>Unauthorised alterations to a listed building comprising of the alterations to the shop front, painting, signage and lighting.</td>
<td>Abode Unit 1 1 Market Place Ashbourne Derbyshire DE6 1GP</td>
<td>Pending Consideration</td>
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<td>ENF/14/00070</td>
<td>Unauthorised internally illuminated signage above front of restaurant - 25 Dig Street, Ashbourne, DE6 1GF</td>
<td>25 Dig Street Ashbourne Derbyshire DE6 1GF</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00031</td>
<td>Breach of condition 9 relating to planning permission 14/00722/FUL - specifically the environmental and construction management plan and hours of site work.</td>
<td>Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB</td>
<td>Pending Consideration</td>
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<td>ENF/16/00062</td>
<td>Breach of condition 26 of planning permission 13/00854/REM - erection of 38 dwellings and associated public open space and infrastructure (approval of reserved matters), Land off Lodge Farm Chase, Ashbourne, Derbyshire</td>
<td>4 Bower Close Ashbourne Derbyshire DE6 1TA</td>
<td>Pending Consideration</td>
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<tr>
<td>ENF/15/00021</td>
<td>Unauthorised change of use of land from agricultural to domestic. Engineering works to remove trees and hedging to facilitate hardstanding area including the erection of a boundary fence in excess of 1m high adjacent to a classified vehicular highway.</td>
<td>Orchard Cottage Longford Lane Longford Derbyshire DE6 3DT</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00097</td>
<td>Unauthorised construction of timber cabin and subsequent occupation as a dwelling house with associated use of land as domestic curtilage.</td>
<td>Aragorn Cabin Mercaston Lane Mercaston Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00033</td>
<td>Breach of condition 16 (hours of work) of planning permission 13/00826/FUL - Land off Luke Lane Brailsford</td>
<td>Land Off Luke Lane Luke Lane Brailsford Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Carsington Water</strong></td>
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</tr>
<tr>
<td>ENF/15/00108</td>
<td>Non compliance with approved plans &quot;Erection of two dwellings&quot; at Peakland View, Darley Dale, office code 14/00300/FUL</td>
<td>Robinsons Limited Longcliffe Works Longcliffe Brassington Derbyshire DE4 4HN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00034</td>
<td>Unauthorised erection of Dog kennels</td>
<td>Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ</td>
<td>DC Application Submitted</td>
</tr>
<tr>
<td><strong>Clifton And Bradley</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00106</td>
<td>Unauthorised signs on land at Riverside Retail Park and Ashbourne Golf Club.</td>
<td>Waterside Park Waterside Road Ashbourne Derbyshire</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Darley Dale</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>ENF/12/00034</td>
<td>Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.</td>
<td>Stancliffe Quarry, Darley Dale, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>Expiration of temporary planning permission. Erection of mobile home/chalet for agricultural worker for a temporary period of 3 years and retention of existing amenity building/office.</td>
<td>Woodside Farm Buildings Back Lane Darley Moor Matlock Derbyshire DE4 5LP</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00034</td>
<td>Stationing of a caravan on land for suspected residential purposes and the use of an agricultural building for the keeping of horses.</td>
<td>Land At The Junction Of Back Lane And Flash Lane, Darley Moor, Matlock.</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00042</td>
<td>Unauthorised internally illuminated advertisement.</td>
<td>Valley Lodge Nursing Home Bakewell Road Matlock Derbyshire DE4 3BN</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00052</td>
<td>Creation of earth bund in a field to the south of Bent Farm.</td>
<td>Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00055</td>
<td>Unauthorised engineering works to facilitate caravan hardstanding pitches</td>
<td>Tax Farm Farley Lane Farley Derbyshire DE4 5LQ</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td><strong>Dovedale And Parwich</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00065</td>
<td>Alleged change of use of pub car park to use for the stationing of vehicular mobile homes.</td>
<td>Okeover Arms Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/15/00092</td>
<td>The unauthorised erection of a timber cabin for the purposes of human habitation. The Cabin, Laburnham Cottage, Mapleton.</td>
<td>Laburnum Cottage Mapleton Road Mapleton Derbyshire DE6 2AB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00061</td>
<td>Unauthorised erection of lamp posts within an agricultural field, to facilitate vehicular parking.</td>
<td>Callow Hall Country House Hotel Mapleton Road Mapleton Derbyshire DE6 2AA</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

**Doveridge And Sudbury**

| ENF/13/00019 | Unlawful siting of caravan for human habitation in agricultural field adjacent to Marston Lane at Doveridge. | Land North East Of Holmlea Farm Bungalow Marston Lane Doveridge Derbyshire | Pending Consideration |
| ENF/15/00001 | Unauthorised breach of condition 11 of planning permission 08/00520/FUL - Conversion of barn to holiday let. | Somersal House Bowling Alley Lane Somersal Herbert Derbyshire DE6 5PD | Pending Consideration |
| ENF/15/00039 | Unauthorised change of use of agricultural outbuildings to office/business use. | Hunters Croft Upwoods Road Doveridge Derbyshire DE6 5LL | Pending Consideration |

**Hulland**

| ENF/14/00041 | Breach of condition 2 relating to planning permission 10/00812/TEMP - Provision of temporary access for a period of 2 years - Redmire Gap, Intakes Lane, Turnditch, Derbyshire DE56 2LU | Redmire Gap Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/15/0004 | Unauthorised engineering works including substantive excavation on land at Common Farm. | Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP | Pending Consideration |
| ENF/15/00024 | Unauthorised change of use of holiday cabins to dwelling. | Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU | Pending Consideration |
| ENF/16/00043 | Unauthorised engineering works on land at Whinney Hill Farm | Winney Hill Farm Hob Lane Kirk Ireton Derbyshire DE6 3LG | Pending Consideration |

**Masson**

| ENF/11/00083 | Unauthorised rebuilding of retaining wall. | 24 Chapel Hill Cromford Derbyshire DE4 3QG | Notice Issued |
| ENF/13/00108 | Unauthorised works to Grade II Listed Building | Corn Mill Cottage Water Lane Cromford Derbyshire DE4 3QH | Notice Issued |
| ENF/15/00052 | Installation of plastic windows in a listed building. | 101 The Hill Cromford Derbyshire DE4 3QU | Notice Issued |
| ENF/15/00054 | Unauthorised alterations to a Grade II Listed Building. | Rita’s Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR | Pending Consideration |
| ENF/15/00060 | Unauthorised installation of two roof-lights and flue on the rear roof slope. | Swifts Cottage 15 The Hill Cromford Derbyshire DE4 3RF | Notice Issued |
**Matlock All Saints**

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

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

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

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

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

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

**Matlock St Giles**

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

ENF/15/00083  Non compliance with pre-commencement conditions attached to planning permission (15/00453/FUL) Gate Inn The Knoll Tansley Derbyshire DE4 5FN Pending Consideration
ENF/15/00088  Unauthorised play equipment at The Gate Inn, Tansley.  Gate Inn The Knoll Tansley Derbyshire DE4 5FN  Pending Consideration

ENF/16/00018  Unauthorised extensions to existing stables and field shelter.  Land To The West Of Three Lanes End Whitelea Lane Tansley Derbyshire  Pending Consideration

ENF/16/00025  1/ Unauthorised engineering operations to create an earth bund and storage of materials behind it. 2/ Rearrangement of existing bund.  Land Off Alders Lane, Tansley.  Pending Consideration

ENF/16/00046  Alleged that the stone used for the extension is not in keeping with the rest of the property as conditioned by the planning permission 14/00360/FUL  Hurst Cottage 14 Bull Lane Matlock Derbyshire DE4 5LX  Pending Consideration

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

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

ENF/16/00057  Change of use of agricultural land to the rear of 76-78 Starkholmes Road Matlock, to incorporate within the domestic curtilage of 78 Starkholmes Road, Matlock, DE4 3DD.  78 Starkholmes Road Matlock Derbyshire DE4 3DD  Pending Consideration

Norbury

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

ENF/13/00050  Unauthorised building works to an agricultural building. (Increasing the height).  Barn Opposite Field Cottage Finny Lane Rodsley Derbyshire  Pending Consideration

ENF/14/00030  Change of use of land from use for Microlight flying to use for the flying of Biplane aircraft.  Airways Airsports Darley Moor Airfield Darley Moor Ashbourne Derbyshire DE6 2ET  Pending Consideration

Wirksworth


ENF/15/00068  Unauthorised change of use of land for the stationing of a caravan for residential purposes, the erection of a small timber building and the erection of a polly tunnel and portaloo.  Peak View Caravan Site Brassington Lane Wirksworth Derbyshire  Notice Issued

ENF/15/00079  Works to a Listed Building  14 Market Place Wirksworth Derbyshire DE4 4ET  Pending Consideration
<table>
<thead>
<tr>
<th>ENF/15/00082</th>
<th>Unauthorised engineering operations.</th>
<th>Land Off Oakerthorpe Road Bolehill Derbyshire</th>
<th>Pending Consideration</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00040</td>
<td>Unauthorised satellite dish.</td>
<td>21 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00045</td>
<td>Change of use of land from agricultural to caravan site and domestic curtliage (for stationing of childrens play equipment). Land to the rear of Ladycroft, Wash Green, Wirksworth, DE4 4FD</td>
<td>Ladycroft Wash Green Wirksworth Derbyshire DE4 4FD</td>
<td>Notice Issued</td>
</tr>
<tr>
<td>ENF/16/00059</td>
<td>Unauthorised alterations to a Listed Building.</td>
<td>The Old Manse Coldwell Street Wirksworth Derbyshire DE4 4FB</td>
<td>Pending Consideration</td>
</tr>
<tr>
<td>ENF/16/00064</td>
<td>Installation of plastic windows.</td>
<td>45 North End Wirksworth Derbyshire DE4 4FG</td>
<td>Pending Consideration</td>
</tr>
</tbody>
</table>

| Total Open Cases | 71 |
## Enforcement Investigations Closed

**In the 6 Months Prior to 12/09/2016**

### Ashbourne North

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/15/00067</td>
<td>Alleged change in the use of a piece of land to the rear of plot 1 at St Oswalds Crescent.</td>
<td>8 Spire Close Ashbourne Derbyshire DE6 1DB</td>
<td>Planning Application Received</td>
<td>23/03/2016</td>
</tr>
</tbody>
</table>

### Ashbourne South

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/13/00012</td>
<td>Breach of Condition 20 of planning permission 07/00842/FUL - Formation of car park and memorial sculpture garden/public open space. Land At Junction Of A52/Mayfield Road, Ashbourne, Derbyshire.</td>
<td>Land At Junction Of A52/Mayfield Road Car Park Mayfield Road Ashbourne Derbyshire</td>
<td>Justification from Officer</td>
<td>29/03/2016</td>
</tr>
<tr>
<td>ENF/16/00044</td>
<td>Breach of pre-commencement planning condition relating to planning permission 16/00048/FUL - Erection of building for nutrition and exersize coaching (use class D2) - Mr A Kent.</td>
<td>Unit 4 Wellington Place Blenheim Road Airfield Industrial Estate Ashbourne Derbyshire DE6 1HA</td>
<td>Complied Voluntarily</td>
<td>26/04/2016</td>
</tr>
</tbody>
</table>

### Brailsford

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00010</td>
<td>Unauthorised change of use of an agricultural building, shown in red on the attached plan, to a commercial/storage and distribution use..</td>
<td>School Farm Back Lane Hollington Derbyshire DE6 3GA</td>
<td>Complaint Unfounded</td>
<td>06/05/2016</td>
</tr>
</tbody>
</table>

### Carsington Water

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00026</td>
<td>Unauthorised engineering works to facilitate access track on land adjacent to Brassington Lane between Brassington and Bradbourne.</td>
<td>Overfields Quarry Pasture Lane Brassington Derbyshire</td>
<td>Complied Voluntarily</td>
<td>26/05/2016</td>
</tr>
</tbody>
</table>

### Clifton And Bradley

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/16/00009</td>
<td>Breach of pre-commencement conditions relating to planning permission 15/00757/FUL - Extension to hatchery building and associated works (modifications of 15/00397/FUL) - Moy Park Hatchery, Cockshead Lane, Snelston, Derbyshire for Mr Wayne Shepherd.</td>
<td>Moy Park Hatchery Cockshead Lane Snelston Derbyshire DE6 2DP</td>
<td>Complied Voluntarily</td>
<td>04/05/2016</td>
</tr>
</tbody>
</table>

### Darley Dale

<table>
<thead>
<tr>
<th>Case No.</th>
<th>Description</th>
<th>Address</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENF/12/00092</td>
<td>Unauthorised building works and siting of caravan on land at junction of Back Lane and Flash Lane, Darley Moor, Matlock.</td>
<td>Land At Junction Of Back Lane And Flash Lane Darley Moor Matlock Derbyshire</td>
<td>Complied Voluntarily</td>
<td>15/06/2016</td>
</tr>
<tr>
<td>Reference Number</td>
<td>Description</td>
<td>Address</td>
<td>Status/Justification</td>
<td>Date</td>
</tr>
<tr>
<td>------------------</td>
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</tr>
<tr>
<td>ENF/15/00100</td>
<td>Erection of a wooden building for use as a dog grooming salon.</td>
<td>Woodville Northwood Avenue Darley Dale Derbyshire DE4 2GD</td>
<td>Planning Application Received</td>
<td>27/06/2016</td>
</tr>
<tr>
<td>ENF/16/00005</td>
<td>Use of a domestic garage/premises to run a chemical paint stripping business.</td>
<td>6 Sunnyside Terrace Farley Hill Matlock Derbyshire DE4 5LT</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
</tr>
<tr>
<td>ENF/16/00029</td>
<td>Alleged discrepancy on approved plans (application 15/00005/FUL)</td>
<td>Holt Brook House Ladygrove Road Two Dales Derbyshire DE4 2FG</td>
<td>Not in the Public interest to pursue</td>
<td>30/03/2016</td>
</tr>
<tr>
<td><strong>Hulland</strong></td>
<td></td>
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<tr>
<td>ENF/16/00030</td>
<td>Failure to discharge pre-commencement conditions relating to planning permission 15/00418/FUL - Rebuilding of demolished barn for ancillary residential purposes and associated change of use of land</td>
<td>Upper Barn Sitch Farm Sitch Lane Kirk Ireton Derbyshire DE6 3JY</td>
<td>Complaint Unfounded</td>
<td>06/04/2016</td>
</tr>
<tr>
<td><strong>Masson</strong></td>
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</tr>
<tr>
<td>ENF/14/00016</td>
<td>Unauthorised Advertisements.</td>
<td>Royal Bank Buildings Temple Road Matlock Bath Derbyshire DE4 3PG</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
</tr>
<tr>
<td>ENF/15/00063</td>
<td>Alterations to a Listed Building</td>
<td>26 North Street Cromford Derbyshire DE4 3RG</td>
<td>Planning Application Received</td>
<td>15/06/2016</td>
</tr>
<tr>
<td>ENF/16/00039</td>
<td>Problem beginning to cause damage and staining to the historic fabric of a Listed Building</td>
<td>Greyhound Hotel Market Place Cromford Derbyshire DE4 3QE</td>
<td>Complied Voluntarily</td>
<td>17/08/2016</td>
</tr>
<tr>
<td>ENF/16/00050</td>
<td>Unlawful Banner advertisements on railings around Cromford junction.曜</td>
<td>Various Railings Around Cromford Junction</td>
<td>Justification from Officer</td>
<td>22/06/2016</td>
</tr>
<tr>
<td><strong>Matlock All Saints</strong></td>
<td></td>
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</tr>
<tr>
<td>ENF/16/00054</td>
<td>Engineering operations on land the East side of 80 Jackson Road.</td>
<td>80 Jackson Road Matlock Derbyshire DE4 3JQ</td>
<td>Complaint Unfounded</td>
<td>16/08/2016</td>
</tr>
<tr>
<td>ENF/16/00060</td>
<td>Condition 4 on Planning Permission office code 08/00087/FUL “Erection of Conservatory”</td>
<td>15 Bank Gardens Matlock Derbyshire DE4 3WA</td>
<td>Complied Voluntarily</td>
<td>17/08/2016</td>
</tr>
<tr>
<td><strong>Matlock St Giles</strong></td>
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<tr>
<td>ENF/14/00077</td>
<td>Unauthorised use of land for the sitting of caravans.</td>
<td>Tansley Wood Mills Lumsdale Road Matlock Derbyshire DE4 3WA</td>
<td>Complied Voluntarily</td>
<td>19/04/2016</td>
</tr>
<tr>
<td>ENF/15/00098</td>
<td>Unauthorised engineering operations on fields to the South West of Derwent Treescapes.</td>
<td>Derwent Treescapes Limited Deep Carr Lane Matlock Derbyshire DE4 3NQ</td>
<td>Planning Application Received</td>
<td>16/08/2016</td>
</tr>
<tr>
<td>Case Number</td>
<td>Description</td>
<td>Location</td>
<td>Resolution</td>
<td>Date</td>
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</tr>
<tr>
<td>ENF/16/00002</td>
<td>Erection of wooden structure building and untidy site consisting of the storage of pipes, pipe fittings, buckets, plastic containers, burnt materials, old car parts, old toilet seat, steel frames, bags of waste and discarded household materials.</td>
<td>55 Church Street Matlock Derbyshire DE4 3BY</td>
<td>Complied Voluntarily</td>
<td>26/08/2016</td>
</tr>
<tr>
<td>ENF/16/00011</td>
<td>Unauthorised erection of fence over 1 (one) metre in height adjacent to a highway.</td>
<td>21 Wishing Stone Way Matlock Derbyshire DE4 5LU</td>
<td>Complied Voluntarily</td>
<td>14/03/2016</td>
</tr>
<tr>
<td>ENF/16/00047</td>
<td>Alleged unauthorised extension to dwelling house and boundary fence obstruction.</td>
<td>46 Mornington Rise Matlock Derbyshire DE4 3EQ</td>
<td>Complaint Unfounded</td>
<td>13/05/2016</td>
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<tr>
<td>Norbury</td>
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<tr>
<td>ENF/16/00032</td>
<td>Alleged unauthorised alteration to an existing vehicular access</td>
<td>Mount Farm Marston Common Marston Montgomery Derbyshire DE6 2FH</td>
<td>Complaint Unfounded</td>
<td>22/03/2016</td>
</tr>
<tr>
<td>Stanton</td>
<td></td>
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</tr>
<tr>
<td>ENF/15/00008</td>
<td>Rebuilding a roadside wall and the use of part of an agricultural building.</td>
<td>103 Northwood Lane Darley Dale Derbyshire DE4 2HS</td>
<td>Not in the Public interest to pursue</td>
<td>15/06/2016</td>
</tr>
<tr>
<td>Winster And South Darley</td>
<td></td>
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<tr>
<td>ENF/15/00066</td>
<td>Unauthorised wooden storage structure.</td>
<td>Tipsy Cottage 14 Main Road Darley Bridge Derbyshire DE4 2JY</td>
<td>Complied Voluntarily</td>
<td>15/03/2016</td>
</tr>
<tr>
<td>Wirksworth</td>
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<tr>
<td>ENF/16/00036</td>
<td>Alleged unauthorised extension.</td>
<td>23 Chapel Lane Middleton By Wirksworth Derbyshire DE4 4NF</td>
<td>Complaint Unfounded</td>
<td>04/04/2016</td>
</tr>
<tr>
<td>ENF/16/00049</td>
<td>Alleged unauthorised building works at the rear of 3 Crabtree Close Wirksworth</td>
<td>4 Crabtree Close Wirksworth Derbyshire DE4 4AP</td>
<td>Complaint Unfounded</td>
<td>21/06/2016</td>
</tr>
</tbody>
</table>

**Total Closed Cases** 27
### PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><strong>Southern</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14/00224/FUL</td>
<td>North of Viaton Industries Ltd, Manystones Lane, Brassington</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00755/FUL</td>
<td>Land off Derby Lane, Alkmonton</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00062/VCOND</td>
<td>The Barn, Somersal House, Somersal Herbert</td>
<td>WR</td>
<td>Appeal Allowed – Copy decision attached</td>
</tr>
<tr>
<td>15/00873/OUT</td>
<td>Land adjacent to 2 Bell Villas, Derby Road, Doveridge</td>
<td>WR</td>
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<td>15/00326/CLEUD</td>
<td>Aragorn Cabin, Mercaston Lane, Mercaston</td>
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<td>ENF/15/00097</td>
<td>Land located at Aragorn Cabin, Mercaston Lane, Mercaston</td>
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<td>15/00617/FUL</td>
<td>Brailsford House, Main Road, Brailsford</td>
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<td>16/00095/OUT</td>
<td>Babbs Lane, Doveridge</td>
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<td>16/00051/FUL</td>
<td>Nether Farm, Sturston</td>
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<td>16/00206/FUL</td>
<td>Orchard View, Yeldersley</td>
<td>WR</td>
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<td>ENF/15/00054</td>
<td>Rita's Fish Bar, 182 South Parade, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
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<td>ENF/15/00088</td>
<td>Land at The Gate Inn, The Knoll, Tansley, Matlock and Gate Inn, The Knoll, Tansley</td>
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<td>Application Number</td>
<td>Address Details</td>
<td>Type</td>
<td>Decision</td>
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<td>15/00429/FUL</td>
<td>Land adjacent 11, Little Bolehill, Bolehill</td>
<td>WR</td>
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<td>15/00670/FUL</td>
<td>Land (East) off Main Road, near 3 Stags Heads pub, Darley Bridge</td>
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<td>15/00768/PDA</td>
<td>The Barn, Back Lane, Darley Moor</td>
<td>WR</td>
<td>Appeal being processed</td>
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<td>15/00842/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
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<td>15/00863/OUT</td>
<td>Mor Farm, Foxholes Lane, Tansley</td>
<td>WR</td>
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<td>16/00005/OUT</td>
<td>Former Neil Thompson Nurseries, Nottingham Road, Tansley</td>
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<td>16/00199/VCOND</td>
<td>10 Imperial Road, Matlock</td>
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<td>16/00307/FUL</td>
<td>The Old Cottage, Main Street, Kirk Ireton</td>
<td>WR</td>
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**WR** - Written Representations  
**IH** - Informal Hearing  
**PI** – Public Inquiry  
**LI** - Local Inquiry  
**HH** - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 21 July 2016

by Siobhan Watson  BA(Hons) MCD MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2016

Appeal Ref: APP/P1045/W/16/3146794
Somersal House, Bowling Alley Lane, Somersal Herbert, Derbyshire DE6 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Simon Coombs against Derbyshire Dales District Council.
- The application Ref 15/00062/VCOND is dated 31 January 2015.
- The application sought planning permission for the conversion of a barn to holiday let without complying with a condition attached to planning permission Ref 08/00520/FUL, dated 15 September 2008.
- The condition in dispute is No. 11 which states that: “The holiday accommodation shall not be occupied by any person for a period of more than 28 days at a time or 56 days in total in any calendar year. A register giving details of all occupants and the period of occupation shall be maintained for inspection by the Local Planning Authority upon request at any reasonable time of day.”
- The reasons given for the condition is: “To prevent the undesirable establishment of an independent dwelling in the countryside which would be contrary to the requirements of Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005).”

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a barn to holiday let at Somersal House, Bowling Alley Lane, Somersal Herbert, Derbyshire DE6 5PD in accordance with the application Ref 15/00062/VCOND made on the 31 January 2015 without complying with condition No 11 set out in planning permission No 08/00520/FUL granted on 15 September 2008 by Derbyshire Dales District Council, but otherwise subject to the conditions in the attached Schedule.

Background and Main Issue

2. Planning permission was granted for the change of use of a barn to a dwelling in 2008 subject to a condition requiring the dwelling to be occupied for limited periods of no more than 28 days at a time or a total of 56 days in any calendar year. The appellant is seeking to either remove the time limit for the occupation of the dwelling or extend the time limit to a longer period, e.g. for 12 months. The reason for the condition was to prevent the establishment of an independent dwelling in the countryside.

3. The main issue, therefore, is whether the condition is necessary.
Reasons

4. The building already has planning permission to be used as a dwelling and it is already in use without complying with the terms of the condition. In its statement, the Council indicated that it was willing to allow the application to remove the occupancy condition providing that the appellant made a financial contribution to affordable housing. The appellant was unwilling to make this contribution.

5. Since the appeal was submitted there has been significant change in Government policy relating to small scale residential development, in respect of contributions towards affordable housing. The Planning Practice Guidance has been updated and says that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. Following this policy change, the Council has stated that it can no longer defend its position in relation to its original objection to the development.

6. For the above reasons I conclude that the condition is not necessary.

Other Matters

7. The site is within the Somersal Herbert Conservation Area but as the removal of the condition would neither change the use nor the appearance of the building, the character and appearance of the conservation area would be preserved.

8. The Council has commented that a dwelling in the countryside is unsustainable development. However, no evidence has been presented to explain why a permanently occupied dwelling would be any less sustainable than a dwelling used for consecutive short temporary periods. No policies to this effect have been supplied by the Council.

Conditions

9. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. I impose all those conditions of the original planning permission that I consider remain relevant.

10. Some of the conditions from the original planning permission did not follow the 6 tests set out in the PPG and as I cannot impose conditions that do not meet the tests I have rewritten them. I have given both parties the opportunity to comment on my amendments. The Council has not made any representations within the given timescale and the appellant has objected to the condition preventing double glazing, as the Council has already allowed double glazing under the condition which requires full details of the design of the windows. Therefore, I remove the condition preventing double glazing as it is not necessary. In the event that some conditions have been discharged, that is a matter which can be addressed by the parties. As the development has been implemented I have not attached a time implementation condition. I have replaced the term “holiday let” with “dwelling” because this permission does not restrict the dwelling to being a holiday let.
Conclusion

11. For the above reasons I allow the appeal subject to conditions.

Siobhan Watson
INSPECTOR

Schedule

1) The facing materials to be replaced on the surfaces of the building shall match the existing materials.

2) There shall be no demolition or rebuilding apart from that authorised by the original planning permission 08/00520/FUL.

3) Before doors and windows are installed, details indicating their design and recess shall, at a scale of 1:10, be submitted and approved in writing by the Local Planning authority. They shall be installed and retained thereafter in accordance with the approved details.

4) Before the first occupation of the building hereby approved, the parking and manoeuvring space shall be provided and surfaced in accordance with the approved details of planning permission 08/00520/FUL and shall remain thereafter.

5) The dwellings shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with either the already approved details or details to be submitted to and approved in writing by the local planning authority. The approved sewerage system shall remain thereafter.

6) Any new timber door and window frames shall be painted within 28 days of being installed. The British Standard reference for the colour of the paint to be applied shall be submitted to and approved in writing by the local planning authority before painting. The windows and doors shall remain that colour thereafter.

7) All new roof-lights shall be fitted with their glazing element flush with the tiled roof covering and shall be retained that way thereafter.

8) No meter boxes or soil waste pipes shall be fixed to the exterior of the building at any time.

9) All rainwater goods, downpipes and any other pipes on the building shall be black and be fixed directly to the wall by rise and fall brackets without the use of fascia boards and shall be retained as such thereafter.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England)) Order 2015, or any Order revoking or re-enacting that Order, no external alterations or additions shall be made to the dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by permission 08/00520/FUL) shall be erected in the yard area adjoining the barn.