This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

23 November 2015

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 1 December 2015 at 6.00pm at the Elim Pentecostal Church, Waterside Park, Waterside Road, Ashbourne DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne at 1:50pm prompt. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Planning Committee – 3 November 2015

3. INTERESTS

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

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

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

4.1 APPLICATION NO. 15/00493/FUL (Site Visit)
Erection of livestock building at Turlow Fields Farm, Turlow Fields Lane Hognaston.

4.2 APPLICATION NO. 15/00733/FUL (Site Visit)
Residential development of 14 dwellings and associated infrastructure at Holmlea, Derby Road, Ashbourne.

4.3 APPLICATION NO. 15/00299/FUL (Site Visit)
Partial change of use of agricultural storage building to boarding kennels and associated car parking area at Honeysuckle Farm, Shirley Lane Rodsley.

4.4 APPLICATION NO. 15/00575/OUT (Site Visit)
Erection of four dwellings (Outline) at Mushroom Farm, Rodsley Lane, Yeaveley.

4.5 APPLICATION NO. 15/00526/FUL
Change of use of land to 1.21MW solar farm and associated infrastructure at Land west of Wood Lane, Brailsford.

4.6 APPLICATION NO. 15/00757/FUL
Extension to Hatchery Building and associated works (Modification of 15/00397/FUL) at Moy Park Hatchery, Cockshead Lane, Snelston.

5 APPEALS PROGRESS REPORT
To note a report on appeals to the Planning Inspectorate.

NOTE
For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.
Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),
Jason Atkin, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard
FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE,
Peter Slack, Andrew Statham and Jo Wild.

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

SITE VISITS
Members will leave the Elim Pentecostal Church, Ashbourne at 1.50pm prompt for
the following site visits:

2.10pm Application No. 15/00493/FUL
TURLOW FIELDS FARM, HOGNASTON
Requested by Officers and the Ward Member to assess the
impact of the building on the local environment.

2.40pm Application No. 15/00733/FUL
HOLMLEA, DERBY ROAD, ASHBOURNE
Requested by Officers to assess the impact of the development on
the character and appearance of the area and the potential
impacts of business operations on the Airfield Industrial Estate on
the amenity of occupiers of such residential development.

3.10pm Application No. 15/00299/FUL
HONEYSUCKLE FARM, RODSLEY
Requested by Officers to enable Members to appreciate where the
building sits in relation to nearby residential properties and assess
the likely implications of the development on residential amenity.

3.30pm Application No. 15/00575/OUT
THE MUSHROOM FARM, YEAVELEY
Requested by Officers to enable Members to appreciate the nature
of the existing site and its relationship with existing built
development.

4.00pm RETURN TO ELIM PENTECOSTAL CHURCH, ASHBOURNE
COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

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

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

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

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

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

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

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

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

9. All persons attending are requested to refrain from smoking during site visits.
15/00493/FUL

Turlow Fields Farm, Turlowfields Lane, Hognaston

Derbyshire Dales DC

Date: 18/11/2015

100019785
15/00493/FUL ERECTION OF LIVESTOCK BUILDING AT TURLOW FIELDS FARM, TURLOW FIELDS LANE, HOGNASTON FOR MR ADRIAN HUNTER

Parish: Hognaston Date of receipt: 14.07.2015
Application type: Full Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:
Turlow Fields Farm is located approximately 1km to the south of Hognaston Village, within open countryside at the Furlong Lane and Turlow Fields Lane road junction. The farm extends to 13.2ha. The Homestead lies immediately to the north of the farm which comprises a traditional two storey red brick farmhouse, adjoining barn range and a series of small red brick and timber clad agricultural storage buildings. The application site relates specifically to an area of land to the north east of the group. The land falls away to the east and is bound on its northern side by a mature hedge.

THE APPLICATION:
Full planning permission is sought to erect an agricultural livestock building on the land. The building will abut an existing livestock building with mono-pitch roof at the north eastern end of the group. It will be slightly wider at 9.1m and will be 27.4m long. The north facing wall will line through with the north facing wall of the adjoining building. The building is proposed to have a shallow dual pitched roof, which will be clad in fibre cement sheets finished a grey colour. Due to the difference in levels the building will be approximately 8.2m high to ridge at its eastern end. At its western end the building will be 4.8m high to ridge. The exterior walls will be faced in concrete panels to a point 1.8m below eaves level. Above this vertical timber boarding is proposed.

The applicant advises that the building is required to house livestock in the winter months in a deep bedded system, so no slurry is produced. The applicant advises that the bedding will be composted in the summer and spread the following spring.

RELEVANT HISTORY:
0796/0423 Retention of existing livestock building and grain store and erection of new livestock building Granted
0799/0493 Creation of ponds for countryside stewardship scheme Granted

CONSULTATIONS:
Local Highway Authority:
No comments sought.

Parish Council:
No objections, however, request that any approval is subject to the building being used solely for livestock. The Parish Council refer to a building on the site being used for industrial purposes until an order was made for it to desist through an enforcement notice. Concern is also raised with regard to the quality of the application drawings and the need to control building materials and colours.

REPRESENTATIONS:
Representations have been received from the occupants of The Homestead to the north objecting to the proposed development. The neighbour does not consider that the proposed development complies with Policy EDT13 of the Adopted Derbyshire Dales Local Plan or guidance contained within the National Planning Policy Framework. They do not consider that the building will be well related to existing
buildings associated with the activity with which it is required. Reference is made to
the length of the barn and the already extended linear development of barns. Concern regarding the development being very visible and the need for extensive
ground works, due to the difference in levels is raised. The neighbour also considers
that the siting of the building is too close to the boundary hedge to allow for
protection of the hedge, drainage ditch and future maintenance. It is requested that
the building is moved a further 1.5m away from the hedge, so that it is not as
overbearing and does not overshadow the adjacent hay meadow. The neighbour
also makes reference to the lack of financial information and the size of the holding
and floor area covered by the existing buildings. Lack of information relating to
ventilation and the discharge of surface water is also raised.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005):
  SF4: Development in the Countryside
  SF5: Design and Appearance of Development
  EDT13: Buildings Associated With Agriculture, Forestry or Other rural Based
       Enterprise
  NBE7: Features Important in the Landscape
  NBE8: Landscape Character
  TR1: Access Requirements and the Impact of New Development

Other:
The National Planning Policy Framework (2012)

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

   (i) whether the new building would constitute essential development in the
countryside;
   (ii) whether it would be of a size commensurate with the needs of the existing
agricultural enterprise;
   (iii) the impact of the development on the character and appearance of the
surrounding area and the local landscape, and;
   (iv) the local environment.

The farm is already served by an access off Turlow Fields Lane. Access to the building
is around the main farmhouse to a yard area, which is lined on either side by existing
agricultural storage buildings. The application does not propose any modifications to the
existing site access or the formation of any new areas of hardstanding. The level of
traffic that could be reasonably anticipated from the activity that could be sustained on
the 13.2ha holding is unlikely to change as a result of the proposed development. As
such, it is considered that there would be no implications on the wider highway network.
The Parish Council request that the use of the building be controlled. The application
proposes to erect a building for the housing of livestock. Any use of the building, other
than for agriculture would need a further grant of permission. For the avoidance of doubt
and to protect the residential amenity of the occupants of the farmhouse given the
proximity of the access to it and its route, a condition is recommended in this case.
2. Adopted Derbyshire Dales Local Plan Policies SF4 and EDT13 align with policies contained within the emerging local plan and guidance contained within the National Planning Policy Framework and are generally supportive of buildings within the countryside that are associated with agriculture. This is provided they are essentially required to serve the agricultural needs of the enterprise, relate well to existing buildings and do not adversely affect the immediate or wider environment. The holding at Turlow Fields Farm, sustains a beef rearing enterprise. The applicant currently has a herd of 58 cattle, which are housed within two sheds at the eastern end of the building group. The applicant advises that the new building will allow the herd to expand. During a recent site visit it was evident that the buildings were full of cattle and living conditions were cramped. The applicant advises that the building is required to house cattle during the winter months. DEFRA advises in respect of cowsheds that lying areas should be big enough to help keep the cows clean and comfortable and to avoid them damaging their joints. This is clearly not achievable by utilising the existing buildings on site. The proposed building will accommodate a deep bedded system which will produce no slurry. The building is not considered to be excessive, in terms of its scale and footprint, based on existing livestock numbers. Notwithstanding the neighbour’s comments with regard to the lack of financial information, it is considered that the building would meet an essential agricultural need in this case, and that its size would be commensurate with that need.

3. A key issue to consider is the impact of the proposed building on the character and appearance of this part of the countryside. The site is steeply sloping and there is some concern that the building will be too prominent. The building would be over 8m high to ridge at its eastern end and would be visible from Public Footpath 16 ‘Hognaston’. The building to ridge would, however, sit below the level of the adjoining storage building and would be viewed in close proximity to and against the backdrop of the existing farm complex and a field boundary hedgerow and, in this respect, would not have a significant adverse impact on the character and appearance of this part of the countryside, local landscape or the enjoyment of the public footpath it is considered. The neighbour to the north has expressed some concern regarding the overshadowing impact of the building on the hay meadow to the north. The siting, relative height and footprint of the building is such, however, that no significant overshadowing would result, such that refusal on this ground could be sustained. The appearance of the building would be consistent with the storage buildings that it would be closely associated with.

4. In terms of the impact of the building on the local environment, the building will sit close to the field boundary hedgerow to the north (approximately 1m from the outer edge). A young tree will also need to be taken out. The neighbour who owns the field to the north has requested that the building is sited an additional 1.5m away to not damage the hedgerow and allow for maintenance. The site is considered to be the most suitable location for a building in terms of its impact on the local landscape / character and appearance of this part of the countryside and the overriding need in this case is considered to outweigh the limited harm to the field boundary hedge that would result. The position of the building would allow, and the submitted plans show the hedge to be retained and enough space is left to maintain the rear of the building. The site topography is such that surface water run-off is likely to be onto the applicants land. To ensure that surface water is appropriately disposed of it, it is recommended that a condition be imposed requiring a scheme be submitted to and approved in writing by the Local Planning Authority.
5. In summary, it is concluded for reasons set out above that the proposed building would be of a size that would be commensurate with the needs of housing the applicant’s livestock in this case, and would be acceptable also in terms of its impact on this part of the countryside / the local environment. The proposed development would therefore be in accordance with the relevant policies of the Development Plan and guidance contained within the National Planning Policy Framework and a recommendation of approval is put forward on this basis.

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

1. ST02a: Time Limit On Full.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the building hereby approved shall be used for the housing of livestock and for agricultural storage in association with the surrounding controlled land only.

3. Prior to the commencement of development a scheme for the disposal of surface water run-off from livestock building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons:

1. ST02a.

2. For the avoidance of doubt and in the interests of highway safety and residential amenity in accordance with the aims of Policies SF4 and TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

3. To ensure that surface water run-off is appropriately disposed of in accordance with the aims of 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 planning problems and permission was granted without negotiation.

2. NFA20 Conditions Precedent… Condition 3.

3. NFA21 Conditions Fee Discharge.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered LSB-04;
1:500 Scale Proposed Block Plan numbered LSB-03, and;
Proposed Elevations and Roof Layout Plans numbered LSB-01 and 02 received by the District Council on the 30th June, 24th August and 9th September 2015.
15/00733/FUL

Holmlea, Derby Road, Ashbourne

Derbyshire Dales DC

Date: 18/11/2015

100019785

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Derbyshire Dales District Council,
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Telephone: (01629) 761100.
website www.derbyshiredales.gov.uk
RESIDENTIAL DEVELOPMENT OF 14 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT HOLMLEA, DERBY ROAD, ASHBOURNE FOR MR. DAN STACK

Town Council: Ashbourne
Application type: Full
Date of receipt: 09.10.15
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:
The application site comprises a dwellinghouse and its curtilage together with an adjacent parcel of commercial land that are located on the northern side of the Derby Road roundabout junction with the A52 Ashbourne by pass.

Holmlea is a two storey detached dwelling set in a mature garden with outbuildings. Access is from Derby Road across a wide highway verge. Hedgerow and trees enclose the property and several are located within the rear garden lawn. Large units on the Ashbourne Airfield Industrial Estate are adjacent to the west and northern boundaries of the property with chain-link fencing hidden by the existing vegetation.

The application site also includes a 0.3 hectare (approx.), rectangular shaped plot of land along the eastern side of the dwelling. Dense vegetation, together with land surfacing, cover this part of the site which has recessed gates providing a vehicular link between Derby Road and a large unit off Blenheim Road within the industrial estate. To the east of this parcel of land is one of five dwellings set to the back of long garden frontages to Derby Road.

The whole site is included within the wider Airfield Industrial Strategic Employment Land and Business Premises zoning allocation and the Settlement Framework boundary for Ashbourne as set out in the Adopted Derbyshire Dales Local Plan (2005).

THE APPLICATION:
Full planning permission is sought for the erection of 14 dwellinghouses on the site; it is proposed to retain the existing dwelling. Development is proposed to extend up to existing site boundaries in the north east and south east, close to the boundary in the north and set back in the south west. The dwellinghouses proposed are as follows:

- Four, 2 bedroomed semi-detached dwellinghouses
- Six, 3 bedroomed semi-detached dwellinghouses
- Four 3 bedroomed detached bungalows

It is proposed that the buildings would be constructed with brick with concrete tiled roofs with Upvc windows and Black composite front doors and Upvc rear and side doors. Detached garages of similar materials are also proposed to six of the Plots. The existing garage attached to Holmlea would be demolished to accommodate the road and a new garage built in close proximity.

A revised entrance and new access road is proposed to be created off Derby Road to the south east of the existing; this would be tarmaced. Low level bollard lighting is proposed adjacent to parking areas.

Existing trees and hedges will be retained along the northern and south western boundaries otherwise the site will be substantially cleared of existing vegetation. The applicant has submitted an arboricultural report assessing each of the 72 individual trees
and 14 groups of trees and the majority are advised to be in fair condition with no works necessary to them. However, 43 of the individual trees and most of the trees within 13 of the 14 groups of trees are proposed to be removed.

The applicant has submitted a Noise Impact Assessment. This recommends that a 4.5m high acoustic barrier is provided along the north west and north east boundaries to protect the dwellings and their gardens from industrial noise and that a 2m high acoustic fence is erected along the south west boundary to protect them from road traffic noise. It is also recommended that the external walls to the dwellings, ventilation and glazing are to a standard to control internal noise levels to meet the British Standard. On this basis, the consultant does not consider noise issues should be a reason to refuse planning permission.

The applicant has submitted a bat survey which advises that survey work was undertaken to the buildings to be demolished at the optimal time of year and has not revealed a roost on the site, albeit it is advised that transient, solitary or opportunistic roosting bats cannot be ruled out during the summer months. The trees identified as Category 2 have low potential to support bats but it is recommended that the trees be soft felled. The other trees were classed as having negligible potential and no further consideration is considered necessary. It is also advised that the works are undertaken outside of the bird breeding season and biodiversity enhancements are proposed.

**RELEVANT HISTORY:**

09/00175/OUT Demolition of existing dwelling and erection of 60 bed nursing home and 16 bed learning disabilities home (outline) - Refused

05/00544/OUT Residential Development up to 6 No. Units (Outline) – Refused (Appeal Dismissed).

**CONSULTATIONS:**

**Town Council** – Object:
- overdevelopment given density of housing on the site
- traffic impact and safety issues regarding the entrance/exit and that it is too close to the roundabout
- loss of a green space and 72 trees which will have a wildlife impact

**Local Highway Authority** – Comment:
- concern regarding the new access position.
- new access position is closer to the existing roundabout
- new access position will require the fronting street lighting column to be relocated at the applicants expense and part of the fronting crash barrier removed which the Highway Authority is reluctant to remove
- if the existing access position is retained, the Highway Authority would have no objection to the proposal.
- confirmation requested as to whether the applicant is intending on keeping the entire access road private or if all/part of the access road is to be adopted - if the latter, the road will need to comply in accordance with current design guidance within the 6C’s Design Guide and Manual for Streets 2.

**DCC Public Rights of Way** – No objection or comments to make.

**Peak and Northern Footpaths Association** – No objection.
Head of Community Services (Environmental Health) – Object:
- have visited the site and looked through the complaint history for the Airfield Industrial estate
- concerned that odour and noise from nearby businesses could have a detrimental effect on any future residents
- have 2 live odour complaints believed to be smells emanating from businesses on the industrial estate and existing residents have complained about odours and noise from various businesses on the industrial estate over a number of years
- applicant’s noise report focuses on noise from FLT’s and roller shutter doors from Nenplas, and fails to recognise noise from FLT’s and HGV movements from Trouw Nutrition; as their main loading canopy is situated to the North of the site
- although the noise report conducted on site suggests various noise attenuation methods, including 4.5m high acoustic barriers to protect proposed dwellings and their gardens from industrial noise, odour emissions associated with established businesses upon the adjacent industrial estate still have the potential to cause a nuisance
- recommend that the application be refused.

DCC Land Drainage – No objection subject to conditions

Natural England – Comment:
- application unlikely to have impact on statutory designated nature conservation or landscape sites
- for LPA to determine in accordance with national and local policies on the natural environment

REPRESENTATIONS:
One letter of representation from the neighbouring resident. The comments can be summarised as follows:
- highly overcrowded for size and location of site
- vast increase in the amount of traffic entering the A52 at a dangerous point
- there are bats in the vicinity
- felling of mature trees that were planted to absorb the noise from the industrial estate
- no mains sewerage system running past the site (residents have septic tanks) – wish to know provision for disposal of sewage.

One letter of representation from a neighbouring business. The comments can be summarised as follows:
- development adjacent to factory perimeter
- have operated on site since 1974 and employ over 190 people
- already have of operation restriction on yard operations
- concerned that noise levels during operational hours will not provide a conducive environment for residents and may result in further noise complaints placing further operating restrictions which would have a seriously negative impact on the business
- understand that proposed residential development is in a designated Strategic Employment Site under Policy EDT2 of the Adopted Local Plan and may be contrary to this and Policy EDT1.
POLICIES:
1. Adopted Local Plan (2005)
   SF1: Development Within Settlement Frameworks Boundaries
   SF5: Design And Appearance Of Development
   EDT1: Land For General Industrial And Business Development
   EDT2: Existing Strategic Employment Land And Business Premises
   H1: New Housing Development Within Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   H10: Affordable Housing Within The Settlement Framework Of Market Towns
   NBE6: Trees And Woodlands
   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

2. National Planning Policy Framework

3. National Planning Practice Guidance

ISSUES:
1. Introduction - Policy
The site is within the Settlement Framework boundary for Ashbourne where the principal of residential development is acceptable in accordance with SF1 of the Adopted Local Plan.

The site is also included within the Airfield Industrial Estate allocation as a Strategic Employment Site under Policy EDT2 of the Adopted Local Plan. However, the dwellinghouse itself is not of a commercial nature and the redevelopment of this would not lead to a loss of employment land. The adjoining land to the east which forms part of the application site has little potential on its own for commercial development.

Whilst it is not considered logical to insist on the protection of this site for employment purposes consideration will need to be given to the relationship of the proposed residential development with the employment site to the rear, to assess the extent of any amenity issues on future occupiers and whether the proposed form and layout is appropriate to the location.

Given the above, it is considered that the main issues to consider with respect to this application are the housing needs of the District, the impact of the development on the character and appearance of the area, the provision of affordable housing, amenity issues, wildlife issues, highway matters and drainage.

2. Housing Land Supply
At the heart of the National Planning Policy Framework, as set out in Paragraph 14, is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan, and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, which is currently the case.

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

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

Given the above, although the site is currently part of a strategic employment designation, for reasons presented above, and given the housing land supply situation, there is a general presumption in allowing for the residential development of the site. As such, the decision taker is effectively asked to weigh the economic, social and environmental benefits and dis-benefits against one another and only reject the scheme where those dis-benefits significantly and demonstrably outweigh the benefits. This is assessed below.

3. Impact on the Character and Appearance of the Area
The proposals seek to utilise the site effectively to provide for the 14 dwelling units and it is considered that, whilst the development encroaches towards the front of the site, where most properties are set back, this is not of such significant harm to justify refusal of the application given the need for housing provision. The designs of the dwellings appear largely as standard house types but are considered acceptable in the context of the site.

However, whilst the principal of redevelopment of the site is considered acceptable, the proposed extent of development will have a significantly harmful impact on the character and appearance of the area. A high percentage of existing trees between the domestic property and the commercial land which form the site will be removed in order to accommodate development within this. This amounts to 43 of the 72 individual trees and most of the trees within 13 of the 14 groups of trees proposed to be removed; six trees are shown to be planted in lieu of this and some additional hedge planting; this will have an adverse impact on the character and appearance of the site.

In addition, it is proposed to erect a 4.5 metre high acoustic barrier along the north western and north eastern boundary of the site. This is considered to be visually unattractive when viewed from the proposed dwellings and it is not considered that such a barrier can be erected without damaging or undertaking a lot of work to the trees along these boundaries, which will adversely affect the character of the site and the street scene. Construction of the 4.5 metre high acoustic barrier on the north eastern boundary may also adversely affect trees on the neighbouring site that are not in the control of the applicant. However, to remove such a barrier from the proposals would lead to the potential for significant
nuisance to residents of the proposed dwellinghouses given the proximity of the industrial sites.

The construction of a 2 metre high acoustic barrier on the south western boundary would cause similar problems for existing vegetation. However, this could be addressed to some extent by setting the barrier back and planting between it and the footpath to soften the appearance of the barrier in the streetscene; if set back 2m from the highway, the fence would be permitted development in any event.

The gardens attached to proposed dwellings alongside the northern boundary are substantially shaded by existing trees. It is likely that irresistible pressure for the removal of some or all of these trees will be brought to bear by future residents which would result in adverse impact on the character of the site and the street scene. The proposed garages on the northern boundary are also shown positioned close to, or beneath, the canopy of existing trees. Their construction could cause damage to trees or the trees could create problems for the garages in the future.

Given the above, the proposals are considered an over intensive development of the site which will fundamentally harm its character and appearance with the substantial removal of trees within the property. As such, it is considered that the development would significantly harm the character and appearance of the area and would not be considered environmentally sustainable in the context of the requirements of the NPPF.

4. Affordable Housing Provision
The applicant has not referred to affordable housing provision in their application. The application proposes 14 dwellinghouses, which is 1 less than the 15 that would trigger the provision of affordable housing in the context of Policy H10 of the Adopted Local Plan. However, it is clear that site could not accommodate this level of development in any event given the impacts identified above. If it was considered that the level of development was acceptable, despite the impact on the site, it is considered that affordable housing would need to be provided.

5. Amenity Issues
DDDC Environmental Health Section has raised concern that odour and noise from nearby businesses could have a detrimental effect on any future residents. They currently have two live odour complaints regarding smells believed to be emanating from businesses on the industrial estate and existing residents have complained about odours and noise from various businesses on the industrial estate over a number of years

Although the noise report conducted on site suggests various noise attenuation methods, including 4.5m high acoustic barriers to protect proposed dwellings and their gardens from industrial noise, this is not considered an appropriate means for protecting against noise where such a barrier would be significantly harmful to the character and appearance of the area; if this is not provided, then the residents of the proposed dwellings would be undoubtedly have their amenity significantly impacted upon.

The odour emissions associated with established businesses upon the adjacent industrial estate would still have the potential to cause a nuisance. In this respect, it is considered that the proposed residential development could conflict with the established businesses upon the adjacent industrial estate and could lead to pressure on the viability of such business operations in having to address such matters of complaint.
Plot 14 would have some impact on the outlook to Rushclose and could be improved by setting the bungalow slightly further back on the plot. However, this would not justify a reason for refusal. It is otherwise considered that the layout provides adequate light, outlook and privacy between the proposed properties, albeit the trees to be retained would cause a loss of light to the rear garden area of Plots 1 and 3 in particular.

6. Wildlife Issues
The applicant has submitted a bat survey which advises that survey work was undertaken to the buildings to be demolished at the optimal time of year and has not revealed a roost on the site, albeit it is advised that transient, solitary or opportunistic roosting bats cannot be ruled out during the summer months. The trees identified as Category 2 have low potential to support bats but it is recommended that the trees be soft felled. The other trees were classed as having negligible potential and no further consideration is required. It is also advised that the works are undertaken outside of the bird breeding season and biodiversity enhancements are proposed; it is considered that these matters can be addressed with conditions on any grant of planning permission.

7. Highway Matters
The Local Highway Authority has a concern regarding the new access position. The proposal is to close the existing access and create a new one to the south east. The new access position is closer to the existing roundabout and it is likely, during peak times, that a vehicle sat waiting to turn right into the site could lead to the queueing of traffic back down to the roundabout. Also, this new access position will require the fronting street lighting column to be relocated, at the applicant’s expense, and part of the fronting crash barrier removed which the Local Highway Authority is reluctant to remove. However, if the existing access position is retained, the Local Highway Authority would have no objection to the proposal.

8. Drainage Matters
DCC Land Drainage has advised of no objection to the proposal but require conditions with regard to surface water drainage and the hierarchy of drainage means to be given to the highest possible priority destination for the drainage.

Concern has been raised that the site is not served by mains drainage. In this respect, the applicant would have to ensure that alternative foul sewage facilities can be provided; this would need to be addressed through the Building Regulations.

9. Conclusion
There are positive elements to the proposed development in respect to making better use of site in the delivery of further housing development towards meeting the District Council’s objectively assessed need for such. Such a development would also realise economic benefits associated with employment during the construction process and the resultant additional spending of the residents in the area. The development would also bring into use an area of brownfield industrial land which has become overgrown. The site lies within the settlement framework boundary of Ashbourne and is capable of being served by transport not solely involving private motor vehicles. In this regard, the proposal will deliver social, economic and environmental benefits in its redevelopment in the context of sustainable development. However, these positives need to be weighed against the negative elements.

The negative elements of the proposal include the impact on the trees which, whilst not protected by a Tree Preservation Order, are nevertheless an important feature of the site.
The harm to the trees could be potentially mitigated with the reduction in the number of dwelling units proposed. Nevertheless, the proposals as submitted do not meet with environmental objectives for sustainable development in this respect.

Notwithstanding the above, reducing the number of dwellings does not address the fundamental concerns with regard to the pressure that such a development would impose on the future operations of businesses on the Airfield Industrial Estate. Whilst it is appreciated that anyone purchasing a dwellinghouse on the site would be likely to be aware of the noise and odour generated by existing businesses, this would still be likely to generate further complaints which, with the existing dwellinghouses in the area, could add significant weight to seek to prevent or limit such nuisance. This would have the potential to harm the economic viability of the businesses and have the potential to force their relocation with a loss of major employment potentially to the District. In this respect, the proposal fails to meet with the requirements of achieving the economic role of sustainable development.

As such, the balance of deliberation is that the proposal would lead to significant harm in the context of social, economic and environmental roles required for sustainable development and it is therefore recommended that planning permission should be refused.

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

1. The introduction of the residential development would subject the occupiers of the premises to detrimental odour emissions associated with established businesses upon the adjacent industrial estate and could lead to pressure on the viability of such business operations. As such, the proposed development would be contrary to the aims of Policies SF1 and SF5 of the Adopted Derbyshire Dales Local Plan (2005).

2. The proposal is for an over intensive development of the site which will fundamentally harm its character and appearance with the substantial removal of trees within the property revealing a more intensive form of residential development than is found in this locality. As such, it is considered that the development would significantly harm the prevailing character and appearance of the area, and fail to comply with government guidance contained in the National Planning Policy Framework and would be contrary to the aims of Policies SF1, SF5 and NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

3. The 4.5m high acoustic barrier would be an incongruous feature in the surroundings and would also be likely to lead to significant harm to the existing trees, and their character and appearance, in terms of the potential impact on roots and the need for the raising of the crowns to accommodate the barrier. As such, the proposed development would be contrary to government guidance contained in the National Planning Policy Framework and the aims of Policies SF1, SF5, H1, H9 and NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

4. The proximity of trees to the dwellinghouses on the northern boundaries would be likely to impact adversely on the residential amenity of the future occupiers of the proposed dwellings and subject the trees to pressure for their removal which would detract from the character and appearance of the area. As such, the proposed development would be contrary to government guidance contained in the National
Planning Policy Framework and the aims of Policies SF1, SF5, H1, H9 and NBE6 of the Adopted Derbyshire Dales Local Plan (2005).

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

2. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 9th October 2015
Drawing Nos. CH001/001, 002, 003, 004, 005, 006, 006 (garages) and 008 and F15146/01 and 02 received on 9th October 2015
Supporting Statement received on 9th October 2015
Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement received on 9th October 2015
Noise Assessment received on 9th October 2015
Bat Survey Report received on 9th October 2015
THE SITE AND SURROUNDINGS:
The application relates to part of an open fronted, steel framed agricultural storage building on the 22.5acre holding at Honeysuckle Farm, 400m to the east of Rodsley village crossroads. The building was extended and approved to house livestock in 2003 and sits in front of an 8,000 bird free range egg production unit and to the east of a mobile home, which is subject of a separate application for its retention for a further temporary period. The building is set approximately 70m back from and orientated to face Shirley Lane. The nearest residential property, The Cottage, is located some 180m away to the north east. Access to the building is via the main farm access which sweeps in front of the building towards Mill Lane.

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

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

RELEVANT HISTORY:
15/00691/FUL Siting of mobile home for use as agricultural workers dwelling for a further temporary period of 3 years – Pending Consideration.
11/00528/TEMP Siting of a mobile home for use as an agricultural workers dwelling for a temporary period of three years – Granted
11/00526/REM Erection of 8000 Bird Free Range Egg Production Unit and associated access – approval of Reserved Matters – Granted
11/00255/OUT Erection of 8000 Bird Free Range Egg production Unit and associated access – Granted
10/00539/OUT Erection of 8000 bird free range egg production unit and associated access – Withdrawn
03/10/0771 Erection of Agricultural Livestock building – Granted
03/06/0455 Alterations to Existing Field Access – Granted

03/02/0146 Erection of Agricultural Livestock and Fodder Storage building – Withdrawn

02/12/0949 Erection of Agricultural Livestock Building – Withdrawn

02/09/0709 Agricultural Prior Notification – Erection of Fodder and implement store – Council’s prior approval not required

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

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

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

Parish Council:
The Parish Council object to the proposals on the following grounds:-

- Accepting the change of use of the agricultural building to create the proposed kennels would create an unwelcome precedent.

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

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

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

- The increased area of hard core required to provide parking for the proposed kennels will only exacerbate problems with regard to surface water in an area that is already very prone to flooding.
• The previous application for a chicken farm carried conditions – one of which was that if the farming venture failed that the site would be returned to its original condition and all new buildings removed. Presumably, if the chicken farm venture fails, then any other business on the site would also have to be removed? If not, then the establishment of the kennels would be seen as a useful circumvention of the original condition placed upon the chicken farm and would be exploited by others.

Head of Environmental Health:
Initially raised some concern regarding noise from dogs barking and the potential for the development to pose a nuisance to the occupants of nearby residential properties. Recommended that a noise impact assessment be undertaken by the applicant and all recommendations be approved of and agreed with the Local Planning Authority. Advised that this should look at the construction standards of the kennels, exercising times and number of dogs out at one time including supervision of outdoor exercising sessions, and collection and drop off times for animals.

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

The Head of Environmental Health has considered this assessment and concluded that the proposed development, subject to the conditions to cover the following, would be acceptable:

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

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

- A dog kennel business would be an unwelcome sight in the countryside and isn’t in-keeping with the area.
- Having a business such as kennels would increase the number of vehicles.
- The enjoyment of going on country walks would be affected by the visual impact.
- Birds will not feel safe when nesting.
- Regardless of whether dogs are kept inside their kennels between certain times of the day they will still be let outside at points to exercise. The surrounding area (not just immediate neighbours) will be affected by the noise and the sound will echo significantly. No amount of sound proofing can prevent this happening.
- Any change of use and occupation of the agricultural facility seriously questions the current land owner’s abilities in being able to comply with the current planning arrangement pertaining to the temporary residential and agricultural usage profile.
- Welfare of the dogs being accommodated – will they be monitored on a 24 hour support basis.
- Increase traffic flows down a single track lane.
- The existing arrangement was made on the condition that there was a business case for the egg production to enable the owners to be self-supporting. There was no provision to be able to add whatever they wanted to achieve this.
- Noise – conflict between the use and deliveries taking place. Poultry feed being delivered at unsocial hours and disturbing the boarding dogs is cited as an example.
- The site is only just above an area which is at risk of flooding.
- The development will increase the flood risk to the already catalogued flooding issue along the road past The Cottage and Greenacres.
- Extra wash down adds to the problem we have with flooding.
- Dog barking will be accentuated by virtue of the fact the kennels are in a barn.
- Parking areas could constitute a soak-away situation.
- Siting the kennels in a large barn could provide scope to increase the numbers of dogs by several fold.

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

Other:
The National Planning Policy Framework (2012)
ISSUES:
1. The main issues to consider in respect of this particular application, having regard to the relevant provisions of the development plan, national guidance, comments from the Parish Council and the public are:
   
a) Whether the development represents the acceptable re-use and adaptation of the existing building;
   
b) The impact of the development on the local environment and, in particular, the residential amenity of the occupants of nearby residential properties;
   
c) The impact of the development on the character and appearance of the building and its surroundings;
   
d) Whether there would by any highway safety implications;
   
e) Drainage and flood risk.

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

3. An important consideration is the degree to which the occupants of nearby residential properties would be affected by the proposed development. It is proposed that the kennels will accommodate up to 7 dogs, 4 guest boarders and 3 of the applicants own dogs. Subject to restrictions on the number of dogs, the walls of the kennels being constructed of 100mm thick block walls, the roof in timber with a 100mm mineral wool infill and the entrance doors being solid timber and exercising taking place when stated (three times a day between the hours of 8am and 7pm), noise levels will be within acceptable limits and will not give rise to justifiable complaints of dogs barking as a source of noise nuisance.
4. No changes to the external appearance of the building is proposed. The kennels will be fully contained within the existing building. The area shown for parking will be on an existing area of hardstanding. As such, the appearance of the building and character and appearance of this part of the countryside / local landscape would be preserved.

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

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

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

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

1. ST02a – Time Limit on Full

2. Before any other operations are commenced the sites existing vehicular access to Shirley Lane shall be modified to provide with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 31 metres in each direction measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level. The trees to the south west of the access shall be retained and the vegetation around the trunks be cleared up to a height of 1.5m

3. No new areas of hardstanding to serve the kennels hereby approved shall be formed without the prior written approval of the Local Planning Authority, having received details of the surface treatment, any associated drainage and subsequent maintenance beforehand. The hardstanding shall thereafter be laid out, drained and maintained in accordance with the approved details.

4. This permission relates solely to the part of the building to be re-used for kennels set out in drawing numbered 492/03. No more than 7 dogs shall be accommodated
within the kennels and no more than 2 dogs (other than the applicants own dogs) exercised in the designated exercising areas set out in the Environmental Noise Survey and Impact Assessment by Encon Associates dated October 2015 at any one time. The exercising shall be as stated in the aforementioned Environmental Noise Survey and Impact Assessment and the kennels constructed in accordance with the minimum requirements set out at Table 6 of that report unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. ST02a.

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

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

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

Footnotes:

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

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered 492/04;
1:200 Scale Proposed Block / Site Layout Plan numbered 492/03;
1:50 and 1:100 Scale Proposed Kennels Elevations and Floor Layout Plan numbered 318/01 received by the District Council on the 28th April 2015, and;
Mushroom Farm, Rodsley Lane, Yeaveley
THE SITE AND SURROUNDINGS:
The application site is situated at the eastern end of Yeaveley Village. It relates specifically to a yard upon which a series of storage buildings / poly tunnels associated with the former use of the site, as a mushroom farm sit. Use of the buildings and the central part of the site (edged red) as a builders yard and for storage has established itself over time and a lawful existing use certificate for such use was issued by the District Council in 2014. The application site includes an access track from Rodsley Lane. The wider land holding is mainly grass / scrubland and includes a pond in the south western corner. To the south, on the opposite side of Rodsley Lane and west are a series of residential properties. The site is contained to the north and east by earth bunds, hedgerows and high conifer trees.

Public Footpath no. 12 ‘Yeaveley’ run through the centre of the site from east to west.

THE APPLICATION:
Outline planning permission is sought to erect four dwellinghouses on the central part of the site, with all matters reserved for subsequent approval. An indicative layout plan shows a row of four two-storey detached houses set approximately 75m back from, and on the same alignment as the road. In support of the application specific reference is made to the presumption in favour of sustainable development set out in national guidance. With regard to the economic benefits, it is considered that the development will provide a new small housing scheme with employment for local trades during the development of the site. Reference is also made to the social and environmental benefits of the proposal. In particular, it is considered that the development will support the requirement for housing and promote the development of the community and will involve the removal of unsightly structures, leading to the enhancement of the natural and built environment.

The applicant has also submitted an ecological survey which advises that the site contains some suitable habitat for Great Crested Newts and that works can only proceed without further survey work, subject to a scheme of mitigation being adhered to. The buildings on site are also considered to provide suitable nesting habitat for birds and the wider site considered to provide suitable foraging opportunities / commuting corridors for badgers.

RELEVANT HISTORY:
14/00088/CLEUD Certificate of Lawful Existing Use or Development - Granted Use of site for builder’s yard and storage

CONSULTATIONS:
Parish Council:
No objections in principle. See the application as an opportunity to reinstate public footpath no. 12 which crosses the site and is currently blocked off.

Local Highway Authority:
Advise that the development site would affect a Public Right of Way (FP 12 Yeaveley) on the Derbyshire Definitive Map (plan attached) and that the route should remain unobstructed on its lawful alignment at all times and safety of the public using it must not be prejudiced either during or after development works take place.
Given the former use of this site i.e. builders’ yard and storage it is not considered that the proposed 4 dwellings would generate any significant increase in traffic movements over and above that which could be generated by the existing use on the site. Even where it can be demonstrated levels of traffic may be increased as a result of the development proposals, the Highway Authority still has to have evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (either by mitigation or rejection of the proposals). Additionally recorded injury accidents have been checked and there are none within the last 3 years recorded time period.

In this instance the Highway Authority is not aware of any existing highway safety issues that would justify a reason for refusal that could be substantiated at appeal.

It is considered that there is sufficient land controlled by the applicant to achieve an appropriate width of access, parking and manoeuvring space and bin storage areas. Subject to conditions and advisory footnotes the Local Highway Authority raise no objections on this basis.

**Derbyshire County Council Rights of Way Section:**
Yeaveley Public Footpath 12 is shown on the Definitive Map crossing the site. Although the path across the site is currently obstructed the proposed development would have a negative impact on the path and a solution will need to be found. The path across the site will need diverting to allow the development to take place and I suggest further discussions take place with this office to move matters forward and to find a solution to the other obstructed section of path at the rear of the properties at Priory Close.

**Derbyshire Dales Group of the Ramblers:**
Footpath Yeaveley 12 runs somewhere near and could run through the proposed development. The Ramblers therefore object to this application and would ask the ROW officers, who should be able to get more definitive information, to look carefully at exactly where Yeaveley FP 12 runs as compared to the area where building is proposed.

**Peak and Northern Footpaths Society:**
I object to this application. I can find no acknowledgment in any of the documents that a public footpath known as Footpath 12 Yeaveley runs across the site; no provision appears to have been made to keep the full width of this path open and unobstructed or to propose a possible suitable diversion of the path. The comments of the county council’s rights of way officer must be given due care and attention.

**Derbyshire Flood Team:**
Refer the District Council to their standing advice with regard to surface water flood risk, proximity to watercourses, groundwater flood risk and SUDS maintenance.

**Derbyshire Wildlife Trust:**
It is considered that there is currently inadequate survey work relating to great crested newt and reptiles, and as such, in the absence of this information it is not possible to determine at this stage what the impacts on these species may be as a result of the proposed development. It is recommended that surveys for great crested newt and reptiles are required prior to determination of the planning application.
REPRESENTATIONS:
Two letters of representation from local residents have been received raising the following concerns:

- Overlooking / loss of privacy
- The capacity of the existing sewerage network
- The adequacy of the existing access
- The impact on the public footpath which crosses the site
- Impact on Newts, which have been seen in the pond
- Increase in traffic onto the highway in the direction of Rodsley, which is a very narrow winding lane. Reference is made to a number of slight accidents over the years

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H12: Alternative Provision For Affordable Housing Outside 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

Other:
National Planning Practice Guidance (2014)

ISSUES:
Planning Policy Context

1. Before assessing the planning merits of this particular application, it is important to set out the policy context (local and national) and the weight to be given to policies contained within the development plan and other material considerations, including guidance contained within the National Planning Policy Framework (2012). 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 (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

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

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

4. The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/ or cooperation with neighbouring authorities. Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this indicative OAN figure of 6500. The Council cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

5. Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance. The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14. The other local plan policies quoted above remain largely in tune with the aims of the NPPF and, as such, can continue to carry weight in decision making.

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

It states: -

For decision taking this means:

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

The decision taker is effectively asked to weigh the economic, social and environmental benefits and dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

7. The main dis-benefits, having regard to the parts of the development plan which carry weight, national guidance and comments from the statutory consultees and public in respect of this application 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;
   c) the impact of the development on species protected by law;
   d) the impact on the Public Right of Way which crosses the site, and;
   d) whether the development reflects local needs, particularly with regard to affordable housing.

The Local Highway Authority are satisfied that a safe means of access onto Rodsley Lane can be achieved and that enough land is controlled by the application to provide an appropriate level of parking, manoeuvring and bin storage space to serve the proposed dwellings. As such, the proposed development does not raise any highway safety issues. The part of the site upon which 4 no. two storey dwellings will be located is a sufficient distance away from the nearest residential dwellings so as to not have any overbearing impact or result in any significant overshadowing. Subject to the orientation of the dwellings and the position of windows, two storey houses could be erected on the site which do not overlook nearby residential dwellings, resulting in a loss of privacy.

The amount of development and suitability of the location

8. One of the core planning principles in the National Planning Policy Framework is to locate new development in locations which make or can be made to make the fullest use of public transport, walking and cycling opportunities. Yeaveley is a small village with minimal services and facilities. A Public House, which has been closed for some time and a Church are the only services within the village. When these factors are considered alongside the irregular bus service it is clear that the location is intrinsically unsustainable and thereby the village is not considered a suitable location for significant housing growth. The nearest settlement where most day to day services and facilities and employment opportunities can be found are within the market Town of Ashbourne, some 5 miles away. The future occupants of any new dwellings would therefore be highly reliant on the private motor vehicle to meet their daily needs. It is, however, recognised that some infill and consolidation within smaller settlements, such as Yeaveley can help sustain existing services and facilities. Paragraph 55 of the National Planning Policy Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. It recognises that development in one village may support services in a village nearby. The modest number of new homes proposed in this case, is such that the development, subject to site assessment could be considered appropriate consolidation of the village, that would help to sustain existing facilities within the village / local area and contribute to the housing needs of the wider
Derbyshire Dales District. There is a requirement, however, for any development to preserve or enhance the character and appearance of the area / local landscape.

**Impact of the development on the character and appearance of this part of the settlement / local landscape**

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 located on the fringes of the settlement. It is roughly triangular in shape with a narrow access off the road to the south. Hedges (tall Leyland cypress and laurel in the east and native shrub and tree species in the north) define the boundaries with open countryside on these sides. In the west the boundary with existing residential development is indented and comprises a variety of fences, hedges, outbuildings and garden planting.

10. Whilst outline permission is sought, with all matters reserved, the part of the site to be developed is the central area, upon which the buildings and infrastructure associated with the former mushroom farm are located. The indicative layout plan shows the erection of four dwellings in a diagonal alignment at the end of a long, curving driveway. There is no indication of how the remainder of the field in the applicant’s control will be treated. The red line / application site area is so tightly drawn that the dwellings could only occupy the central part of the site and, as a consequence, would relate poorly to the existing settlement pattern and the site boundaries. Taking the above into consideration and notwithstanding the benefits of tidying up the site, it is not considered that residential development on the part of the site to be developed could for reasons stated above be successfully assimilated into its wider surroundings and, as such, would result in significant harm to the character and appearance of this part of the settlement / countryside, contrary to guidance contained within the NPPF.

**Impact of the development on species protected by law**

11. 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. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances” No evidence of the presence of badger was recorded during the survey; however the site is considered suitable for sett creation and for foraging. Some of the habitats on site have also been assessed as being suitable to support reptiles. An old bird nest was recorded in one of the buildings. None of the buildings or trees within the site is assessed as being suitable for roosting bats.

12. Derbyshire Wildlife Trust advises that the developable part of the site (i.e. the red line boundary) does offer potentially suitable terrestrial habitat for great crested newt. Areas under the buildings and poly-tunnels appear to provide suitable places of shelter and any cracks, crevices and mammal holes under these structures could
also provide suitable hibernation sites. Given the presence of a recent great crested newt record for a location 250m from the site, along with the presence of 4 ponds within 500m of the site, including one located within 15m of the proposed development site and the presence of suitable terrestrial habitat both within the site and immediately adjacent it is considered that the presence of great crested newt cannot be ruled out and further survey work is required. Whilst the ecological survey report accompanying the application acknowledges this, it provides a potential mitigation strategy that could be used rather than undertaking survey work. This is not considered to be an acceptable approach.

13. The application as submitted is not therefore accompanied by sufficient information to clearly demonstrate the presence or otherwise of Great Crested Newts and the extent that they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations contrary to the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the NPPF.

The impact on the Public Right of Way

14. The indicative site layout plan does not accommodate the route of Public Footpath no. 12 ‘Yeaveley’ which crosses the site. It would appear that the buildings associated with the former mushroom farm obstruct the route of the path. Development of the site offers the opportunity to the re-open / reinstate the path. Based on the size / developable part of the site, a layout which accommodates four dwellings and the path can be achieved, so that the route of the path would not be adversely affected by the proposed development.

Whether the development reflect local needs, particularly with regard to affordable housing

15. Paragraph 54 of the National Planning Policy Framework (2012) advises that Local Planning Authorities should be responsive to local circumstances in rural areas and plan housing development to reflect local needs, particularly for affordable housing. No provision for affordable housing, a priority of the District Council, is made as part of the application. Adopted Local Plan policies do not allow open market housing outside of defined settlements and, as such, they are silent on the requirement for affordable housing in such instances. A threshold was, however, set for a contribution towards affordable housing of 33% for developments involving 3 – 24 dwellings or on sites of 0.1ha or more in the draft local plan (June 2013). Although no weight can be given to this requirement as the plan was withdrawn, it was drawn up to reflect the most up to date housing needs information. The lack of an affordable housing contribution needs therefore to be weighed in the planning balance in this case.

Conclusion

16. Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. The poor relationship of the site with the existing settlement, lack of information with regard to Great Crested Newts and the extent that they may be affected by the development and lack of provision toward affordable
housing would, it is considered, significantly and demonstrably outweigh the benefits in this case. It is recommended that the application be refused for these reasons.

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

1. The erection of 4 no. dwellinghouses in the location proposed would relate poorly to existing built development in this location and, as a consequence, would result in significant harm to the character and appearance of this part of the settlement / countryside contrary to the aims of Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

2. The application as submitted is not accompanied by sufficient information to clearly demonstrate the presence or otherwise of Great Crested Newts and the extent that they may be affected by the proposed development. In the absence of adequate information, the Local Planning Authority are unable to conclude that this protected species is adequately safeguarded and cannot therefore discharge its duties in respect of regulation 9(5) of the Habitats Regulations contrary to the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

3. The application as submitted makes no on or off site provision towards affordable housing to meet the local housing needs of the District. The lack of contribution towards affordable housing to meet the needs of the district conflicts with guidance contained within the National Planning Policy Framework (2012).

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

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:500 Scale Block Plan;
1:100 Scale Indicative Elevations and Ground Floor Layout Plan;
Document Titled Design and Access Statement, and;
Preliminary Ecological Appraisal by Clear Environmental Consultants dated September 2015 received by the District Council on the 7th August and 8th October 2015.
15/00526/FUL

Land west of Wood Lane, Brailsford

Derbyshire Dales DC

Date: 20/11/2015

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 701100.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The site comprises an agricultural field in open countryside to the west of an unmade track/public footpath (Wood Lane) between Main Road and Alder Lane. The track is some 2-4m wide which starts as a surfaced road and becomes an unsurfaced track which is restricted by overhanging trees and hedgerows. The site is some 1.1km along this track off Main Road.

The site is within a field which covers an area of approximately 2.7 hectares and falls in a northerly direction. It largely bounded on its sides by hedgerows with scattered, mature hedgerow trees. A small copse of trees is located to the north east.

THE APPLICATION:
Planning permission is sought for the change of use of the land to accommodate a 1.21MW solar farm and associated infrastructure.

It is proposed to erect rows of frame mounted solar panels on the land. The arrays will run east to west across the field and will be set on two 47m rows with a north-south gap in between. The arrays would be set 2-3m apart and the raised back edge of each array will be no more than 2.9 metres high above ground level. The panels will be non-reflective glass structures with a metal surround mounted on frames that will be driven directly into the ground. The panels will occupy approximately 40% of the field and agricultural use of the land will continue by changing the current arable land to grazing land giving the land a dual purpose.

The applicant has identified the land as being Grade 3 but not identified the level of importance associated with such, i.e. is it Grade (a) or (b). The applicant has advised that this will be clarified through a desk based survey, site visit and analysis. However, in order to prevent delay in determining the application, and as the applicant is currently unaware of the subdivision of the agricultural land grading, it is presumed to be Grade 3(a) to allow consideration of the application in the worst case scenario. The applicant has nevertheless advised that, if this is not the case and that the land is of a lower grading, this will be advised to Committee prior to determination.

Therefore, based on the assumption that the site is Grade 3(a) agricultural land, the applicant considers that the development would not have a significant impact on the agricultural grading of the land for the following reasons:

- the development occupies less than half of the field in which it is situated - whilst the area around the panels will be used for grazing purposes, the undeveloped section of the field can continue in its current arable use and be agreed by means of planning condition;
- the area around the panels will be used for grazing, which retains an agricultural purpose - this creates a dual purpose for the area as it can continue to have an agricultural use but also be used to generate clean energy from renewable sources;
- once the development is removed, the land can return to arable use - as the panels are staked into the ground, when the site is decommissioned, the removal of the panels leaves almost any trace of development, allowing the land to be used for arable purposes immediately
- the area of the field in which the development is located is of lesser quality than the more elevated areas of the field and wider farmland
- the development only occupies an area of 2.8 hectares, which will not result in a significant loss of arable land.

The entire site is proposed to be surrounded by a 2 metre high deer fence with four pole mounted CCTV cameras (approximately 5m high), one at each corner of the site, for security. Access into the site would be at the south east corner. This is also where the substation will be located.

To reach the site by vehicle, there is 1.1km of road/track of varying quality, significantly deteriorating as it approaches the site. This will need to be regraded and filled in sections to repair potholes and track camber. It is proposed to use a top dressing with aggregate to provide a firm base for lorries. The encroaching hedgerow will also have to be trimmed or pinned back and tree crowns lifted to allow for the width and height of the vehicles bringing the equipment to the site. The applicant does not consider that the lane will need to be closed during this process or during the site construction process. The applicant has set out a programme for traffic management of a predicted 5 HGV deliveries and approximately 7-12 light vehicles per day. It is proposed that works would be carried out on site and in terms of deliveries will be between 7am and 7pm Mondays to Fridays and 7am – 12 noon on Saturdays.

The application is also accompanied by the following reports:

   Extended Phase 1 and Protected Species Assessment received on 18th August 2015
   Environmental Appraisal
   Environmental Management Plan
   Landscape Figures
   Access Method Statement.

These reports have been made available on the public file and circulated to consultees. Their contents are discussed as appropriate in ‘the Issues’ section of this report.

RELEVANT HISTORY:
None.

CONSULTATIONS:
Parish Council – Object:
- serious concerns regarding the visual and environmental impact and ecological balance, the latter relating to badger setts
- concerns relating to impact of construction traffic and access to the site
- concerns about the disposal of the units and reclamation of the land at the end of the installations economic life (25 years)
- should be a bond in place to ensure land reinstatement.

Local Highway Authority – No objection subject to conditions.
Peak and Northern Footpaths Society – Comment:
- Wood Lane is an unclassified rood used by the public for walking and horse riding
- no objection provided that the surface and width of Wood Lane would not affect the safe and convenient use of the lane as an access route to the application site
- condition required that the lane be improved to cope with expected vehicle traffic during and after construction.

Derbyshire Dales Ramblers Group – No objection

Environment Agency – No Comment.

DCC Land Drainage Authority – Comment:
- no objection subject to conditions with respect to the hierarchy of surface water drainage and sustainable surface water drainage

REPRESENTATIONS:
One letter of representation from a local resident. The comments are summarised as follows:
- adverse visual and environmental impact
- out of keeping with this area of fields, hedgerows and woodland
- will disturb wildlife during installation and operation
- will have an ecological effect which will be detrimental to wildlife.

POLICIES:
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
   NBE6: Trees and Woodlands
   NBE7: Features Important In the Landscape
   NBE8: Landscape Character
   NBE16 Development Affecting A Listed Building
   NBE24: Archaeological Sites And Heritage Features
   NBE27: Crime Prevention
   TR1: Access Requirements and The impact Of New Development
   CS5: Renewable Energy Installations
   L9: Safeguarding Public Rights of Way


4. Peak Sub-Region Climate Change Study : Focussing on the capacity and potential for renewable and low carbon technologies, incorporating a landscape sensitivity study of the area (July 2009).
ISSUES:

1. Introduction and Policy Context

Before considering the planning merits of this particular proposal it is pertinent to consider the general approach advocated by the government reflected in the National Planning Policy Framework, Planning Practice Guidance and relevant ministerial statements on solar energy installations.

The National Planning Policy Framework makes it clear in paragraph 93 that planning plays a key role in helping to shape places in a manner that reduces greenhouse gases, minimises vulnerability to climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.

Paragraph 97 recognises the need to increase the supply of renewable and low carbon energy by having positive strategy to promote energy from new and low carbon sources and designing policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts.

Paragraph 98 in relation to determining applications advises that Local Planning Authorities should not require applicants to demonstrate the overall need and recognise that even small-scale projects provide a valuable contribution to reducing greenhouse gas emissions. It goes on to advise that unless material considerations indicate otherwise local planning authorities should approve applications if their impacts are (or can be made) acceptable. This overarching guidance has an essentially positive attitude whilst recognising that other planning considerations can outweigh the benefits to be derived from renewable energy.

The Planning Practice Guidance published by government provides some specific guidance on renewable and low carbon energy. It restates that the need for renewable energy does not automatically override environment protections and the planning concerns of local communities. As with other types of development it stresses that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

In relation to ground mounted solar photovoltaic farms it states the following:

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- Encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;

- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued
agricultural use where applicable and/or encourages biodiversity improvements around arrays.

- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

- The proposals visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.

- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.

- The need for, and impact of, security measures such as lights and fencing.

- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.

- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Recent ministerial speeches on solar farms have expressed a preference for provision on brownfield land. Where solar farms are not on brownfield land the need to focus on low grade agricultural land which works with farmers to allow grazing as well and can be appropriately screened is stressed.

In a ministerial written statement on 25th March 2015 the SOS for Communities and Local Government reiterated the government’s approach to the protection of the best and most versatile agricultural land in stating 'we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course planning is a quasi-judicial process, and every application needs to be considered on the individual merits, with due process, in light of the relevant material considerations.

Policy CS5 of the Adopted Local Plan although not specific to solar farms, is considered to be broadly consistent with the thrust of current government policy on this matter in recognising the benefits of renewable energy whilst also recognising the need to balance
this against the environmental impact. Policy NBE8 of seeks to protect landscape character and appearance and is broadly consistent with the framework. Policy SF4 protects the countryside from unwarranted development. Whilst this is in accordance with the broad aims of the National Planning Policy Framework it has to be recognised that major energy projects often require rural locations. Policy SF6 of the local plan seeks to protect the best agricultural land and is focused on directing development to either brownfield land or land in grades 3(b), 4 and 5.

Finally, in terms of policy context, the Council commissioned the Peak Sub Region Climate Change Study 2009. This document has been invaluable in assessing landscape sensitivity and renewable installations particularly in relation to wind turbines. This document recognised the significant potential for solar power but at the time of writing no solar farm had been proposed or established.

From this policy background, the details of the application, consultee comments and public comment, the key considerations in this case are the compatibility of the scheme with the aims of national policy on solar farms in particular in regard to what land is utilised, the impact of development on heritage assets, impact on landscape character and appearance, ecology and highway safety. These matters will then be weighed in the balance against the significant production of renewable energy proposed.

2. Compatibility of the Scheme with the Aims of National Policy in Relation to Locational Choices

It is clear from the above analysis that whilst recognising the benefits of solar farms the Government is keen to promote these on brownfield sites or agricultural land of lower quality thereby safeguarding the better quality land for varied agricultural use.

Paragraph 112 of the National Planning Policy Framework advises local planning authorities to take account of the economic and other benefits of the best and most versatile agricultural land. This is defined in the annex to the National Planning Policy Framework as land in Grades 1, 2 and 3(a). The guidance continues that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of higher quality.

Policy SF6 of the Local Plan has a presumption against development on the best and most versatile agricultural land unless the development cannot be accommodated on previously developed land and lower grade agricultural land or there are overriding benefits resulting from the development that would outweigh the harm caused to the best and most versatile land.

In this regard, the applicant has presumed the land to be Grade 3(a) and Officers have assessed the proposal on this basis. As stated by the applicant, the development would occupy less than half of the field and the undeveloped section can continue in its current arable use and be agreed by means of planning condition. The area around the panels will be used for grazing, which retains an agricultural purpose to the land and once the development is removed, the land can return to arable use. It is also accepted that the area of the field in which the development is located may be of lesser quality than the more elevated areas of the field and wider farmland. The development would also only occupy an area of 2.8 hectares, which will not result in a significant loss of arable land. Given these factors, and subject to considering other benefits of the site, it is considered necessary to make a balanced consideration of the application.
3. **Impact on Landscape Character and Appearance**

The application is accompanied by a Landscape Visual Impact Assessment and supporting photomontages. This document concludes that the development would result in low magnitude change to the receiving landscape, based on land coverage, the size and height of the panels and fact that they will be contained within one field boundary. The District Council’s own Landscape Officer has considered the impact of the development on the local landscape. Whilst it is recognised that the solar farm would be an alien feature in the landscape, it will occupy a very limited area within the wider surroundings and be well contained. Given the elevated location, the site is considered to not be overlooked from the immediate surroundings, with views only being from long distance and heavily filtered. Within close views it is only visible intermittently from Wood Lane.

The panels themselves will sit low within the surroundings. They will be driven into the ground and as a consequence have little or no impact on the fabric of the landscape. If and when they are removed the land can revert to agriculture having suffered no lasting impact. None of the existing landscape features (trees/hedges) will be removed. There is likely to be no more than a slight to moderate adverse impact on visual amenity as a result of the development. Additional/supplementary landscaping as may be necessary will help filter some of the views from Wood Lane so that only slight adverse impact on visual amenity is likely.

There are no other solar farms within this area. As such there will be no cumulative landscape effect. Therefore, given the comparatively limited landscape and visual effect, the proposal would not it is considered conflict with Local Plan landscape protection policies.

4. **Impact on Heritage Assets**

All the heritage assets within 2km of the application site are identified in the applicant’s Environmental Appraisal. To the north east and east are the Scheduled Monuments of the Ravensdale Park and the Fishponds to Mercaston Hall Farm. Beyond the hall to the north are Roman remains. The nearest listed buildings are Top Wild Park Farm to the south east and Brailsford, within numerous listed buildings and Conservation Area lie to the south west. However, it is not considered, given the limited views of the site, that the solar farm will be regarded within the wider setting of these heritage assets to an extent that it could be deemed to cause harm to their setting. The nearest heritage asset is the medieval Wild Park which is on the HER record albeit the full extent of the boundary is not known. However, the western boundary of the park does align the eastern side of Wood lane but the extent of landscaping either side of Wood Lane would allow little, if any, view of the solar farm in the context of the Park.

5. **Impact on Ecology**

The Parish Council has advised of the potential for badger setts to be present in the area but have provided no specific details. However, the applicant’s appointed ecologist has undertaken an appraisal of the site and has advised that no signs of badgers were recorded. It is also advised that if an active badger sett occurs within 2km of the site, then the fencing proposed will need to provide badger gates to allow access across the site. It is considered reasonable to attach this as a condition to any grant of planning permission.
It is also considered by the Ecologists that there are no breeding birds likely to be on the site. However, a condition would be required that any works undertaken to the hedgerow and trees will need to be outside the bird breeding season or overlooked by a qualified ecologist unless otherwise agreed by the Local Planning Authority.

6. **Highway Issues**
The submitted documents have been updated to include a swept path analysis which illustrates how the HGV’s, the applicant intends on using to deliver material to the site, can access Wood Lane. Whilst an exiting vehicle is likely to over-run the opposite carriageway lane when turning right out of the site, forward visibility is good on the A52 so this manoeuvre is not considered unsafe.

Wood Lane is a classified road so, in theory, any works within the lane should be carried out under a Section 278 Agreement. However, given the rural location and extremely low vehicle volumes and speeds on the road, the Highway Authority is willing to accept the proposed improvement works to be carried out without a formal agreement provided the applicant is happy to carry out a walk-over survey with one of DCC’s Clerk of Works and take photographic evidence before any works commence and for the applicant to agree to pay/put right and damage to the road which may be caused by the traffic associated with this development. This recommended walk-over survey should be attached to any consent as a formal condition.

In terms of the required improvement works to the access road and traffic management required, the applicant has covered this in this Access Method Statement in Sections 6 and 7. The applicant also offers to submit a Route Management Plan before any works commence to agree and finalise the best method to construct the site i.e. delivery schedules, wheel cleaning facilities, information supplied to local resident etc.

Therefore, as the Local Highway Authority considers the application site can be constructed in a safe and efficient manner, there are no objections to the planning application. However, to keep the impact of the construction phase to a minimum, the Highway Authority recommends the following conditions

7. **Crime Prevention**
Whilst it is recognised that solar panel installations can be subject of theft, the CCTV and deer fencing proposed would provide an acceptable level of security, in this case, having regard to the location of the site and the limited access to it.

8. **The Planning Balance**
The consideration of the overall planning balance on this application requires an assessment of its adverse impacts and conflict with the development plan and national guidance to be weighed against the benefits to be derived from this substantial renewable energy installation.

There are two issues that weigh against the development to some degree. The first of these is the greenfield nature of the site. Government guidance seeks to promote solar energy first to brownfield sites. However, it has to be recognised that within a predominantly rural district it is unlikely that any substantial contribution to renewable energy can be achieved by limiting installations to limited brownfield opportunities.

In such a circumstance it is legitimate to look to greenfield sites and seek to avoid the use of the best and most versatile agricultural land. The use of this land for a solar farm is
therefore to some extent in conflict with Policy SF6 of the Adopted Local Plan. However, whilst it is recognised that the reuse of brownfield land might be more sustainable, its limited availability within the District in locations with the necessary grid connections means that the use of this site, in principle, does not conflict to an unacceptable degree within guidance with paragraph 112 of the NPPF. In addition, the extent of land used is not considered significant and the process of doing so is reversible in time.

The government’s advice is also clear in that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. However, areas of lower grade land within the District could be far more sensitive in landscape impact terms. In this respect, the area proposed for the solar farm would occupy less than half of the field and the undeveloped section can continue in its current arable use and be agreed by means of planning condition. It is also accepted that the area of the field in which the development is located is more steeply sloping and may be of lesser quality than the more elevated areas of the field and wider farmland. The development would also only occupy an area of 2.8 hectares, which will not result in a significant loss of arable land.

This landscape will undoubtedly change as a result of the development and there is a degree of visibility from the public footpath. The District Council’s Landscape Design Advisor has considered the application and concluded that this will be no more than minor adverse impact. In addition the harm to visual amenity is likely to be no more than slight with the introduction of supplementary landscaping (which will need to be agreed by condition). Whilst there is a degree of conflict with Local Plan Policy NBE8, the harm is comparatively limited for a renewable energy installation such as this when weighed in the planning balance.

Paragraph 98 of the National Planning Policy Framework recognises that even small-scale projects can make a valuable contribution to cutting greenhouse gas emissions and it states a presumption in favour of approving applications if the impacts are (or can be made) acceptable. The core planning principles in paragraph 17 of the National Planning Policy Framework and Statement in paragraph 93 also recognise the key role of the planning system in supporting the transition to a low carbon future by, amongst other things, encouraging the development of renewable energy. As such, it is considered that the benefits of the provision of renewable energy of this scale should be given significant weight in the balancing exercise.

9. Conclusion
Weighed against the major benefits of this renewable energy installation, the weight to be attached to the modest harm to landscape character and visual amenity has to be balanced against the use of possible Grade 3(a) agricultural land ahead of brownfield land and lower quality agricultural land. In this instance, the loss of potential Grade 3(a) agricultural land is not considered so substantial to warrant a recommendation of refusal and any conflict with the ministerial guidance is considered to be significantly outweighed by the benefits to be derived from the scheme, such that the balance of consideration is in favour of granting planning permission.

OFFICER RECOMMENDATION:
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 in respect of the temporary construction compound, the permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority upon commissioning. By no later than the end of the 25 year period the solar panels shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for decommissioning of the solar panels a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be implemented in accordance with the approved details.

3. Notwithstanding the submitted details, within 3 months of the commencement of development full details of the proposed location and colour treatment of the CCTV cameras on site and their posts shall be submitted to and approved in writing by the Local Planning Authority. The cameras and posts shall then be installed in accordance with the approved details.

4. This permission does not convey any authorisation to erect any security or flood lighting. No such lighting shall be installed without the prior written approval of the Local Planning Authority.

5. Prior to the commencement of development a scheme of landscaping and subsequent management shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of:
   (i) trees to be retained and removed;
   (ii) new trees to be planted;
   (iii) new hedgerow planting, hedgerow relocation and future hedgerow maintenance;
   (iv) planting of site under and around the panels and subsequent maintenance; and
   (v) details of security fencing around the site, including its exact location.

The landscaping works shall be undertaken in accordance with an agreed timetable of works and maintained thereafter in accordance with the approved details.

6. The development hereby approved shall be carried out in accordance with the measures set out in the Ecology Report by GLM Ecology to safeguard protected species and shall not be brought into use until the measures to ensure that there is no harm to protected species are implemented.

7. Before any works commence, the applicant/agent shall carry out a walk-over survey with Derbyshire County Councils Clerk of Works to assess the state of the construction of Wood Lane and take photographic evidence over its entire length from the A52 up to the application site. An additional walk-over survey shall then be carried out by the applicant/agent and Derbyshire County Councils Clerk of Works after the construction phase has been completed to assess any damage which may have been caused. Any remedial works required will be at the applicant’s expense.

8. Before any works commence (excluding Condition No 7 above), a Route Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority, in consultation with the Highways Authority, to finalise the delivery schedule and traffic management measures required.
9. The construction phase shall be carried out in accordance with the submitted Access Method Statement dated November 2015 in consultation with Derbyshire County Councils Traffic and Safety team.

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

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

12. No development shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details which shall include:
   (i) a timetable for its implementation; and
   (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons:

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

2. As the solar panels have a limited working lifespan and in order to reverse the harm to the landscape in accordance with the aims of Policy CS5 of the Adopted Derbyshire Dales Local Plan (2005).

3. To ensure that the proposed cameras are sensitively sited so as to minimise their impact on the character and appearance of the landscape in accordance with the aims of Policies SF4 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

4. To minimise the impact of the solar farm on the character and appearance of the landscape in accordance with the aims of Policies SF4 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

5. To ensure a satisfactory scheme of landscaping to minimise the impact of the solar farm on the local landscape in accordance with the aims of Policies SF4, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

6. To safeguard protected species in accordance with the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
7-9 In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

10. In the interests of highway safety.

11. To ensure that surface water is directed to the most appropriate water body in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options to comply with government guidance contained in the National Planning Policy Framework.

12. To ensure the principles of sustainable drainage are incorporated into the proposal to comply with government guidance contained in 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 the submission of additional information which overcame initial problems with the application relating to ensuring adequate means of access.

2. NFA20 Conditions Precedent... Conditions 2, 3, 5, 7 and 8.

3. NFA21 Conditions Fee Discharge.

4. The Local Highway Authority has requested the following notes to be attached to the decision notice:

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

   B. 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

   C. The application site is affected by a Claimed BOAT (Wood Lane). This route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-

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

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

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

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

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

5. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.

6. This decision notice relates to the following documents:
   Site Location Plan received on 4th September 2015
   Site Location Plan received on 20th August 2015
   Site Access Plan received on 18th August 2015
   General Site Layout Plan 1:1000 received on 20th August 2015
   Plant General Layout Plan received on 20th August 2015
   Fence and Security Plan received on 20th August 2015
   P V Mounting drawing received on 20th August 2015
   Inverter Sections received on 20th August 2015
   Substation Elevations received on 20th August 2015
   Design and Access Statement received on 18th August 2015
   Extended Phase 1 and Protected Species Assessment received on 18th August 2015
   Environmental Appraisal received on 18th August 2015
   Environmental Management Plan received on 18th August 2015
   Landscape Figures received on 20th August 2015
   Access Method Statement received on 11th November 2015
15/00757/FUL

Moy Park Hatchery, Cockshead Lane, Snelston
THE SITE AND SURROUNDINGS:
The application relates to an existing hatchery operation situated off the A515 to the south of Ashbourne. The site is located within a reasonably flat landscape area with hedge screening with some tree planting. The site is to the west of the Darley Moor Airfield and is accessed from Cockshead Lane located just off the A515.

THE APPLICATION:
Planning permission is sought to modify the proposed development recently approved at the site. The modifications to the existing permission are: amendment to the glazed element incorporating this into the elevation rather than a projecting element, new canopy, alterations to positions of windows and doors, alterations to elevational material, change to roof on egg receiving extension and alteration to parking and service areas.

The proposed development is as follows:
The proposed extension will now measure approximately 68m by 40m. The proposed extension would more than double the size of the existing building. The following internal accommodation is proposed:

- Egg cold store
- 2 no. setter rooms
- Transfer room
- 4 no. hatcher rooms
- Chick take off room
- Chick processing
- Chick holding
- Chick dispatch
- Dirty dispatch basket store
- Dispatch basket wash
- Clean dispatch basket store
- Waste

To the first floor staff facilities for the Chick Team including: meeting room, office, reception, WC's, laundry, changing rooms, vaccine store, canteen, kitchenette and shower with lounge area for on call night staff.

To the ground floor staff facilities for the Egg Team including: meeting room, office, tea room, reception, WC's, laundry, changing rooms, production office, canteen and drivers rest room.

The proposed extension will be 0.7m higher than the existing building on site and it is intended that the majority of the extension will be profiled insulated cladding rather than the brick previously proposed. The roof would be clad in a matching material with all of the cladding to be in an olive green colour (RAL 6002).

To the staff facilities to the building frontage, a glazing system is proposed to add a contemporary element to the building. In-between the glazed areas spandrel panels in
black glass are proposed and between the upper and lower level glazing micro-rib cladding will be used. The framing to the glazed element is also proposed to be of the olive green colour. A small entrance canopy is proposed to the frontage of the staff area which would be the main entrance into the building.

To the south east elevation an egg receiving extension is proposed with a pitched roof to match the proposed extensions but with a lower ridge height below that of the original building.

The staff and visitor car parking is proposed to the frontage of the building to the east of the site with a total of 41 spaces being provided on a tarmac surface. To the north of the parking area the service yard is proposed with concrete surface.

Also proposed are:
Chiller units
Relocated water storage tank and pump house
Smoking shelter
Water treatment plant
Vehicle wash and store
Sprinkler tank
Gas tanks
Transformer housing
Generator housing
A post and stock proof fence is proposed to the boundaries of the site.

A supporting statement has been submitted with the application, the key points of which note that:

- The additional height of the extension is required to house modern machinery
- Revisions have been necessary in order to ensure the successful operation of the business
- Moy Park is one of Europe’s leading poultry companies and over the UK employs over 10,600 staff.
- Fertilised eggs are delivered to the hatchery, once delivered they are kept in a controlled environment until hatching. Once hatched the chicks are dispatched to farms to grow and then are returned to the Moy Park factory in Ashbourne for processing.
- The expansion of the hatchery will change the way they grow and distribute poultry enabling the business to grow.
- The extension will reduce the road miles required for transporting chicks.
- An increase in chicks supplied to local farms will increase the number of birds that can then be supplied to the factory in Ashbourne.
- The increase in height of the extension over the existing is to incorporate operational equipment
- A bedsit will be provided as ancillary to the hatchery
- The proposal will lead to 22 additional vehicle movements to and from the site but the trips will be shorter delivering locally
- An additional 20 jobs will be created, hopefully increasing to 50 over 12-18 months
- Impact on ecology has been assessed and found to have little impact
- A report regarding great crested newts has been provided and concludes that it is unlikely there are great crested newts within the immediate vicinity of the site
- The proposal complies with local and national planning policy
RELEVANT HISTORY:
15/00397/FUL Extension to hatchery building – Permitted with conditions

DDD/0396/0190 Extension to hatchery – Permitted with conditions

WED/1188/0878 Dwelling – Permitted with conditions

WED/0587/0340 Alterations to house and erection of hatchery – Permitted with conditions (Cladding colour 18B25 approved - dark grey)

WED/0287/0088 Hatchery and managers house - Refused

CONSULTATIONS:
Parish Council – No response received

Local Highway Authority – No comments received on this current application, on the previous application the following comments were made: the proposal will double the size of the building and increase staff. The hatchery has been in operation for a number of years and the Highway Authority is not aware of any problems with regard to the access. The access road is proposed to be widened and additional parking provided. On this basis no objection, recommend conditions

Derbyshire Wildlife Trust – No comments received on this current application, on the previous application the following comments were made:
The application includes a Great Crested Newt Survey of nearby ponds. This has been done to an acceptable standard. In the absence of any evidence of newts revealed raise no objections to the scheme.

DDDC Environmental Health – No comments received on this current application, on the previous application the following comments were made:
Environmental Health have not received any complaints about the hatchery operation in the past. The nature of it is such that there is a quick turnaround of birds and limited waste issues. Would recommend that a condition is imposed to ensure it remains a hatchery and not changes into another related use such as Broiler cabins.

Peak and Northern Footpaths – No objection.

Derbyshire Dales Ramblers – No objection provided that footpath no. 17 is not closed or obstructed during or after the construction

DCC Rights Of Way Officer – No applications which affect the site have been received under section 53 of the Wildlife and Countryside Act 1981. No objections or comments on the proposal.

Environment Agency – No objection in principle, recommend condition and footnotes as on previous permission

REPRESENTATIONS:
None
POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
EDT7: Extension And Expansion Of Existing Industrial And Business Land And Premises
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT13: Buildings Associated With Agricultural Forestry Or Other Rural Based Enterprise
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE8: Landscape Character
NBE26: Landscaping Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework
National Planning Practice Guidance

ISSUES:
The principle of the extension has been established by the permission granted under 15/00397/FUL. Therefore the issues for consideration are the impacts the proposed modifications will have upon visual amenity, residential amenity, highways and ecology.

Landscape character and appearance
The design of the building is in keeping with the existing. The finish of the building is proposed to be clad in profile sheeting. This material is considered to be acceptable to the exterior of a commercial building of this scale but the colour needs to be carefully considered. The use of the olive green colour is considered to be acceptable for the walling and roofing. However, a contrasting colour would be preferable for the micro-rib cladding and the glazed framing to avoid the building becoming a visual mass of one colour. The contrast of colour will ensure the bulk of the building is minimised. This colour choice can be achieved via condition.

The existing building is located within a relatively flat landscape area with some hedge and tree planting in the locality, which to an extent, mitigates against its visual impact. It is considered that the extension of the building, although marginally higher than the existing, will not have any further significant visual impact. It is reasonable to impose a condition requiring further landscaping of the site which will further mitigate against the scale of the building. On the approved scheme landscaping was shown to the north eastern boundary of the site in the form of tree planting. This detail has been omitted from this application but can be ensured via condition. It is therefore considered that the proposal will preserve the character and appearance of the landscape subject to further landscaping of the site. The proposal therefore meets the requirement of national and local policy in regard to landscape impact.

Environmental impacts
As was the case in the previous permission no detail has been provided regarding where waste water will be disposed of, therefore a condition is required by the Environment Agency for the a scheme to manage surface water quality in order to prevent any deterioration of protected areas. Subject to this condition the proposal is considered to be acceptable in terms of environmental impacts.
Ecology
With regard to ecology the applicant’s agent has provided a survey considering the presence of Great Crested Newts. The conclusion of this report notes that given the habitat and survey work it is unlikely that there would be any such species within the immediate vicinity of the site. In the previous application Derbyshire Wildlife Trust reviewed the information and considered it to be an appropriate survey. In the absence of any presence of newts they raised no objection to the scheme.

Amenity
As the existing facility is located at some distance from any neighbouring properties whether residential or otherwise, it is considered that the proposal will not have any adverse impact upon amenity. In accordance with the approved scheme the Council’s Environmental Health team have not received any complaints regarding the site and merely suggest that the use of the site be controlled to allow the Local Planning Authority control over any future changes of use, a condition can be imposed in this regard.

Highway safety
In terms of highway safety the existing access has good visibility and is close to the main road network. The proposal will result in an increase of vehicle trips to and from the site. There is no objection to the proposal from a highway safety viewpoint subject to conditions.

Conclusion
The proposal is considered to be an appropriate expansion of a rural enterprise that is supported by national and local planning policy. The creation of new jobs and the contribution of this economically and socially to the rural community is a significant benefit of the scheme. Landscape impact will be minimal and further mitigated against through a landscaping condition. Subject to conditions as detailed above the proposal is considered to be acceptable in accordance with the Policies of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

OFFICER RECOMMENDATION:
To grant planning permission subject to the following conditions:

1. Condition ST02a

2. No goods, refuse, plant, machinery or packing materials shall be stored outside the confines of the building.

3. The development hereby permitted shall not be commenced until such time as a scheme to manage surface water quality has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved, and include the following details:
   i. Dispose of surface water
   ii. Roof drainage – sealed at ground level
   iii. Waste water from vehicle wash facility

4. Prior to the commencement of development details including samples where necessary of the following elements shall be submitted to and approved in writing by the Local Planning Authority.
   Detail and colour of the cladding to the glazed element
Detail and colour of the framing to the glazed element
Works shall be completed in accordance with the agreed details.

5. Condition PD13: Restriction within use class (add in Hatchery)

6. Details of the relocated chiller area shall be submitted to and agreed in writing by the Local Planning Authority prior to works on this element taking place. Works shall be completed in accordance with the agreed details.

7. Condition LA12a: approval of landscaping scheme (delete g, l, j, l, m and n, after e) add in… including tree planting to the north eastern boundary of the site)

8. Condition LA13a: landscaping to the carried out and maintained

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

10. The premises, the subject of this application, shall not be taken into use until space has been provided within the site curtilage for the parking, picking up and setting down of passengers and manoeuvring of vehicles/turning of lorries, laid out and constructed in bound materials (not loose chippings), all as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to its designated use.

Reasons:

1. Reason ST02a

2. To preserve the amenity of the area

3. River basin management requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of a protected area.

4. To ensure an appropriate finished form of development in accordance with Policies SF5 and EDT8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. In order to ensure the Local Planning Authority retains control over the future use of the premises which may otherwise be considered inappropriate in this rural location in accordance with Policy SF4 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

6. To ensure an appropriate finished form of development in accordance with Policies SF5 and EDT8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
7. Reason LA12a: policies SF5, EDT7, EDT8, EDT13 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

8. Reason LA13a: policies SF5, EDT7, EDT8, EDT13 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

9-10. In the interests of highway safety in accordance with Policies TR1 and Tr8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Footnotes:
1. An additional water treatment tank will be required as part of this development which will in turn increase the discharge to the local watercourse. I have already provided the pre-application advice required for the variation of the existing permit for this activity to the Operator and this is being processed alongside this planning application.

Section 2.15 of the Design & Access Statement states ‘both the waste skip and water tank require flow and return pipe work into and out of the building… this pipe work needs to be exposed.’ This should be flagged as good practice as this allows early warning of any potential issues that could lead to pollution from such systems.

2. 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.

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

4. This decision notice relates to the following documents:
   Planning statement received 10.06.15
   Site location plan received 10.06.15
   Proposed site layout B23/05 D received 22.06.15
   Existing site plan B23/01
   Proposed elevations B23/04 C received 10.06.15
   Proposed layout B23/03 D received 22.06.15
   Existing layout and elevations B23/02 A received 22.06.15
   Design and access statement received 10.06.15
   Skyline ecology Great Crested newt Survey received 10.06.15
### Southern

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<td>15/00008/FUL</td>
<td>Land adjacent to 2 Mill Road, Cromford</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>14/00898/OUT</td>
<td>Longway Bank, Whatstandwell</td>
<td>WR</td>
<td>Appeal being processed</td>
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**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 12 October 2015

by Sarah Colebourne MA, MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2015

Appeal Ref: APP/P1045/A/15/3081126
Agricultural barn at Riggs Lane, Marston Montgomery, Ashbourne, Derbyshire, DE6 2FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr John Woodhouse against Derbyshire Dales District Council.
- The application, Ref 13/00565/FUL, is dated 5 August 2013.
- The development proposed is the residential conversion of an existing agricultural building including addition of an access drive at Riggs Lane.

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21 October 2015

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. It is clear from the Council’s statement that the principle of the development is generally acceptable to the Council and that its sole objection relates to the lack of a completed financial contribution towards affordable housing provision in the district. The Council held the planning application in abeyance pending the legal challenge to the Ministerial Statement of 28 November 2014 which exempted small residential developments from financial contributions to affordable housing. Following the legal challenge, a declaration Order was issued on 4 August 2015 stating that the policies in that Statement and paragraphs 012 – 023 of the Planning Practice Guidance (PPG) must not be treated as a material consideration in decisions. Whilst this is currently subject to appeal, I must treat this case on the basis of the Court’s Order.

3. The implications of the outcome of the legal challenge were referred to in the Council’s statement. The appellant has not made any further representations in response to that.

Main Issue

4. The main issue is, therefore, whether the proposed development makes adequate provision for affordable housing in the district.
Reasons

5. Policy H12 in the Derbyshire Dales Local Plan (LP) (2005) advises that in determining applications for residential development outside defined Settlement Frameworks, the Council will seek to negotiate a financial or other contribution towards the provision of affordable housing on suitable sites elsewhere in the plan area. The Council’s Affordable Housing Supplementary Planning Document (SPD) (2006) sets out the need for a contribution and the basis for the calculation of the amount sought. In the light of the outcome of the legal challenge referred to above, the objectives of the Council’s policy accord broadly with the National Planning Policy Framework (the Framework) and the PPG. The need for a contribution towards the provision of off-site affordable housing is justified by the Council’s development plan policy and would meet the tests of necessity and a direct relationship to the development in the Framework. It would help meet the Council’s provision of affordable housing, in accordance with policy H12. However, a signed and completed obligation has not been provided.

6. I have noted that the appellant and the Council had agreed the terms of a S106 obligation on the basis of the two bedroomed requirement prior to the 2014 Ministerial Statement but it seems to me that the basis for the Council’s calculation was incorrect. The Council says that the amount sought is based on the requirements for a two bedroomed, 4 person house which is based on a floorspace figure of 75 sq m in its SPD. However, the plans clearly show that only one bedroom is proposed and my calculations, based on the submitted plans, indicate that the floor area equates to that of a two person dwelling according to the SPD. The amount sought would not be fairly and reasonably related to the development proposed and would fail to meet this test in the Framework.

7. I have considered whether a condition requiring the completion of an obligation would overcome the Council’s objection but in this case, given the limited scale of the development, it would not be appropriate and would not accord with the PPG.

8. The proposal would provide the beneficial re-use of a redundant building and the sensitively designed scheme, with appropriate conditions, would lead to an enhancement to the immediate setting. However, these benefits do not outweigh the significant harm that would be caused through the lack of provision for affordable housing which would be contrary to LP policy H12.

Conclusion

9. I conclude that, for the reasons given above, the proposed development would fail to make adequate provision for affordable housing in the district and would be contrary to the development plan and the Framework as a whole. The appeal should be dismissed and planning permission refused.

Sarah Colebourne
Inspector
Appeal Decision

Site visit made on 4 November 2015

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 11 November 2015

Appeal Ref: APP/P1045/D/15/3130804
43 Station Street, Ashbourne, Derbyshire, DE6 1DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mike Warner against the decision of Derbyshire Dales District Council.
- The application Ref 15/00259/FUL, dated 9 April 2015, was refused by notice dated 8 June 2015.
- The development proposed is external works to provide off street parking and turning area.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property, No 43 Station Street, is a two storey semi-detached period dwelling. It is attached to, and its front elevation is set back from, a period property comprising a converted former police station, which itself, fronts the pavement edge adjacent to a mini-roundabout.

4. Whilst Station Street in this location is mainly residential in character, largely comprising handsome brick-built terraced housing, the wider area is mixed use. There is a modern leisure centre, set back from Station Street, opposite the appeal property and there is a large supermarket and a hospital nearby.

5. No. 43 is elevated above road level and has a garden to the front and side. The garden is raised above a highly attractive, long stone wall with railings, its length broken only by a garden gate, which provides access to the property.

6. Beyond the appeal property’s side garden, there are two short rows of three period terraced dwellings, also elevated above the road and set back behind front gardens. A similar stone wall to that in front of the appeal property, with railings above, fronts these properties. This stone wall is also long, with only three narrow breaks, providing steps to the dwellings behind.
7. During my site visit, I observed that the stone wall, for its full length along Station Street in this area, comprises a prominent feature that provides a sense of enclosure and makes a significant contribution to the area’s attractive period character. It also provides a notable, solid boundary between houses and the road and combines with the absence of off-road parking to emphasise the period elevations and gardens of the houses above and behind it.

8. The proposal would replace the existing narrow garden gate with a wide vehicular access. This would need to be tapered, to allow for sufficient room for visibility and safe access and egress. The excavation and engineering works required would require the removal of a significant length of the stone wall and would, I find, radically alter the appearance of the area.

9. As a result of the above, an attractive area of garden land would be replaced by an access and parking area. Vehicular access and off road parking would be introduced in an area where none currently exists and as such, the proposed development would appear as an alien feature, out of keeping with its surroundings.

10. Furthermore, the proposal would result in the removal of a significant section of a boundary wall that makes an important contribution to the attractive qualities of the area. It would be replaced by an access and parking area that would, I find, appear as an unduly harmful intrusion.

11. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to the Framework and to Local Plan\(^1\) policies SF1, SF5 and TR1, which together amongst other things, protect local character.

**Other Matters**

12. The appellant, in support of his case, has submitted information to demonstrate that access can be provided without harm to highway safety. In this regard, I note that the Local Highway Authority is satisfied that a safe means of access onto the highway can be achieved.

13. However, I have found above that the proposal will harm the character and appearance of the area. The absence of harm with regards to highway safety is not something that reduces the significance of the harm identified and hence my decision below.

14. Also in support of his case, the appellant states that “the “streetscene” has already been ruined” as a result of the construction of the leisure centre. However, whilst the leisure centre is a modern public building and as such, is different to nearby housing, it has been set well back from the road and the landscaping around it provides greenery and openness that contributes to the attributes of the area.

15. Furthermore, there is no vehicular access to the leisure centre along Station Street in the vicinity of the proposed development and I find that this is a feature that is reflective of local character.

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\(^1\) Derbyshire Dales Local Plan (2005).
16. I recognise that the proposal would provide the appellant with safe, off-road parking. Whilst this is a factor in favour of the development proposed, it does not outweigh the harm identified above.

**Conclusion**

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

*N McGurk*

INSPECTOR
Appeal Decision

Site visit made on 16 March 2015

by SDHarley  BSc (Hons) MPhil MRTP ARICS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20/03/2015

Appeal Ref: APP/P1045/D/15/3002400
25 Cavendish Road, Matlock, Derbyshire DE4 3GY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Wyatt against the decision of Derbyshire Dales District Council.
- The application Ref 14/00704/FUL, dated 14 October 2014, was refused by notice dated 24 December 2014.
- The development proposed is single storey extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the host building and surrounding area and whether it would preserve or enhance the character or appearance of the Matlock Bank Conservation Area.

Reasons

3. No 25 Cavendish Road is a detached modern house within the Matlock Bank Conservation Area (the CA). The main access slopes steeply down from Cavendish Street and the house is in a prominent position elevated above, and highly visible from, Wellington Street.

4. The Planning (Listed Buildings and Conservation Areas) Act, 1990, requires that special attention be paid to whether the proposal would preserve or enhance the character or appearance of the CA. The CA covers a steeply sloping hillside overlooking the Derwent Valley. Its prevailing character is mainly of rows of houses with stone retaining walls which follow the contours of the bank. The houses are generally constructed of stone, and have steep pitched roofs and plain window detailing.

5. The proposed extension would project from the elevation facing Wellington Street. It would sit beside an existing two storey projecting gable but would project considerably forward of it. The proposed roof would have a similar pitch to the existing roof, which would necessitate the removal of a first floor window. Whilst the roof pitch would match, the width, depth and height of the proposed extension would be out of proportion with the existing property. Moreover, the elevation facing Wellington Street would be predominantly glazed and the extent and design of the glazing would be out of character with
the simpler proportions and extent of glazing of the host property and nearby houses. Recessing the glazing would not have a significant ameliorating effect. Due to the elevated position of No 25 and the proposed scale the extension would appear massive and out of proportion when viewed from Wellington Street.

6. For the reasons set out above I conclude that the proposed extension would be out of scale and character with the host building and surrounding area and would be overly dominant in the surrounding streetscape. It would therefore conflict with policies SF1, SF5, H2 and NBE21 of the Derbyshire Dales Local Plan, 2005, which require that extensions do not have a detrimental impact on the character or appearance of the existing dwelling and its surroundings, and preserves or enhances the character or appearance of the CA. These policies are consistent with the principles of the National Planning Policy Framework (the Framework) which supports sustainable development of good design that respects the character and appearance of the CA.

7. Given the scale of the proposal and the matching roof pitch I consider that the harm to the CA taken as a whole (a designated heritage asset) would be less than substantial. Paragraph 134 of the Framework says that where there is less than substantial harm, this harm should be balanced against the public benefits of the proposal. Whilst the proposal would add to the living accommodation for occupiers of the property, this would not amount to a public benefit that would outweigh the harm identified to the CA.

8. I acknowledge that the scheme has been designed in an attempt to overcome previous reasons for refusal, ¹ and the pitch of the roof as now proposed would match the existing. However, whilst I have into account the earlier refusals and the lack of objection from the Council's Conservation Officer or from the Specialist Conservation Advisory Panel, each application/appeal fails to be considered on its own merits and I have exercised my own judgement on the basis of the evidence before me.

9. The appellant says that, as the principle elevation of the property does not front onto a highway, the proposed extension would not normally require planning permission, subject to the restrictions in Class A, Part 1 of the Town and Country Planning (General Permitted Development) Order. However, permitted development rights were removed when the property was built and so I have given relatively little weight to what might have been built without the need to make a planning application.

10. The appellant says the decision of the Council differs from that expected following discussions about the application. However, this does not affect the planning merits of the case and is not a matter for me in this appeal.

Conclusion

11. For the reasons set out above, and taking into account all relevant matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR

¹ Appeals Ref APP/P1045/D/14/2227167 an 2227344
Appeal Decision

Site visit made on 27 October 2015

by Paul Singleton BSc (Hons) MA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2015

Appeal Ref: APP/P1045/W/15/3130916
1 Hawley's Court, Hawley's Close, Matlock, Derbyshire DE4 5LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Marie Duncan against the decision of Derbyshire Dales District Council.
- The application Ref 15/00200/FUL, dated 24 March 2015, was refused by notice dated 25 June 2015.
- The development proposed is a dwelling and domestic garage.

Decision

1. The appeal is allowed and planning permission is granted for a dwelling and domestic garage at 1 Hawley’s Court, Hawley’s Close, Matlock, Derbyshire DE4 5LY in accordance with the terms of the application, Ref 15/00200/FUL, dated 24 March 2015, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues in the appeal are: (a) the effect of the proposal on the character and appearance of the local area and (b) whether any adverse impacts would outweigh the benefits of granting planning permission.

Reasons

Character and appearance

3. There is a mix of houses and bungalows along Asker Lane and in the adjoining streets which are of similar age but of varied size and design; most are set behind front gardens and low boundary walls. Plot sizes and widths vary widely and most properties occupy the major part of their plot width such that views to rear gardens are generally limited or non-existent. Most properties face towards the road but a number depart from that pattern. This can be seen where dwellings “turn the corner” into one of the side streets and is particularly evident in the group of bungalows closest to the appeal site.

4. Based on these observations I do not accept the Council’s suggestion that the prevailing character of the area is one of dwellings fronting onto the street and/or sitting in large plots, or that there is a clear and dominant building style such as to create a distinctive sense of place. In my judgement the street scene contains more variety and this is particularly the case in close proximity...
to the appeal site. Indeed the site’s location at the eastern extremity of the long run of residential property on the north side of Asker Lane is, in my view, a key consideration.

5. The existing wall, trees and other vegetation to the site frontage provide effective screening of the bungalow and garden at number 1 Hawleys Court. In its current appearance this serves to mark the end of the continuous residential frontage and relates more closely to the heavily vegetated boundary to the adjacent property at Corner Cottage which, in turn, forms a visual connection with the rural character of and more sporadic development within the adjacent Lumsdale Conservation Area.

6. A relatively short length, around 3.5 metres (m), of the existing wall would be removed for the site access with the remainder being reduced in height from about 1.5m to 1m. Only one tree would be removed and other trees and vegetation within the access visibility splay would be trimmed. In light of the narrow width of the access and the modest scale of the other changes required, the proposal would result in a limited change in the appearance of this frontage in views up and down Asker Lane. Whilst the proposed bungalow would be visible from the houses directly opposite, and from their driveways, these views would also be filtered by the retained trees and vegetation to the site boundary.

7. Neither the size nor width of the proposed bungalow site would be out of keeping with those of other properties in the area. There has been no suggestion that the proposal would fail to meet the relevant planning standards in relation to the turning of vehicles within the site, the provision of private amenity space, or the separation of the bungalow from neighbouring properties, and the proposal would not, in my view, constitute a cramped development. Whilst the maximum height of the bungalow would be greater than its immediate neighbours this would not be out of place given the overall mix within the area and the presence of two storey houses opposite.

8. The orientation of the proposed bungalow would help to safeguard the outlook from the existing bungalow. With the screening that would remain on the site frontage, its orientation would not be readily apparent from the public road and would not, in any event, be inappropriate given the site’s location at the end of the continuous residential frontage on Asker Lane.

9. For the reasons set out above I find that the proposal would not give rise to material harm to the character and appearance of the local area in which it would be located. Accordingly I conclude that the proposal would be consistent with the Derbyshire Dales Local Plan (2005) policies:

- SF1 in that the proposal is within a defined Settlement Framework area and would meet the relevant criteria including that it should preserve or enhance the character and appearance of the settlement;
- SF5 in that it would meet the detailed development criteria within that policy and would preserve the quality of its surroundings;
- H1 as the proposal would be infill development and would respect the character of the area; and
- H9 in that it would meet the detailed development management criteria set out in that policy.
10. These policies predate the National Planning Policy Framework (the Framework) but I consider that they are consistent with the Framework’s policies which promote high quality and inclusive design; the policies should therefore be given full weight.

11. Although the reasons for refusal do not allege any harm to the Lumsdale Conservation Area or its setting the appeal site is immediately adjacent to the boundary of the conservation area and, having regard to paragraph 132 of the Framework, it is appropriate to consider whether the proposed development would have any adverse effect on its character and appearance or its setting. The only concern raised in this respect is with regard to the possible risk that nearby trees within the curtilage of Corner Cottage might be adversely affected.

12. From my observations on site I consider that the extensive tree and hedge cover to the eastern boundary to the appeal site would provide an effective screen to the development in views from the nearest parts of the conservation area, both within the grounds of Corner Cottage and from the adjacent highway. The nearest trees within the grounds of Corner Cottage are some 3 or so metres from the proposed site of the garage but some have a spread that extends into the appeal site. There are no proposals for these to be cut back or trimmed and, given that the trees are protected by virtue of their location within the conservation area, such works would be within the control of the Local Planning Authority. However, in order to minimise the risk of accidental damage to tree roots, appropriate protection measures should be put into place before any excavation or construction works are commenced in this part of the site.

13. Subject to these measures being secured by means of a condition, the proposal would not have an adverse effect on the conservation area or its setting and would not conflict with any of the policies in Section 12 of the Framework.

**Balance of benefits and adverse impacts**

14. At present the Council cannot demonstrate a 5 year forward housing supply and, in accordance with paragraph 49 of the Framework, those Local Plan policies concerned with the distribution and delivery of new housing are deemed to be out of date. Proposals for new housing fall to be determined in accordance with the statement in paragraph 14 of the Framework 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 as a whole.

15. In this case the proposal would have the benefit of making a small contribution towards meeting the need for additional housing in the district and, as set out above, there would no harm to the character and appearance of the local area or the conservation area. Third party concerns have been raised re the site access but I accept the Highway Authority’s conclusions as to its acceptability. Accordingly the proposal would not result in any adverse impacts.

**Conditions**

16. I have considered the conditions suggested by the Council and the appellant’s comments on these and I set out my reasoning below as to the conditions to be imposed on the permission.
17. For the avoidance of doubt, and to ensure a satisfactory development in terms of layout and design, conditions are required to tie the permission to the approved plans and the details set out in the Design and Access Statement submitted with the application and to require the submission and approval of samples of the materials to be used on external surfaces. A landscaping condition is needed to ensure the quality of external treatments and the provision of fencing and bin storage facilities, and that final details of the alterations to the site frontage are agreed before these works are carried out. A condition requiring approval of finished floor levels is appropriate to secure that the height of the building is in line with that indicated on the scheme drawings in the interests of its visual impact and relationship with the adjoining properties.

18. In the interests of highway safety, conditions are required (i) to ensure that the proposed access, manoeuvring, parking and garage provision are completed and available prior to the development being occupied, (ii) that land within the site visibility splay be maintained free of obstruction thereafter, (iii) that appropriate drainage is in place to ensure that there is no run-off to the highway, and (iv) that the parking spaces proposed be kept available for parking use at all times. As the two spaces proposed would meet the normal parking standards for a new dwelling, I do not consider that the same restriction should be imposed in relation to the garage.

19. I have attached a condition requiring the submission and agreement of a Construction Method Statement so as to provide for the various construction and other operations to be controlled both in the interests of highway safety and to minimise disruption to the occupiers of the existing bungalow. I have also added a condition in relation to works in the vicinity of the protected trees within the adjacent garden in order to minimise the risk of any damage to their roots.

Conclusions

20. For the reasons set out above, and subject to the conditions which I have attached, I conclude that no material harm would be caused by the proposal and that it would have a positive benefit in terms of making a contribution towards meeting the requirement for new housing within the district. In accordance with paragraph 14 of the Framework there are no adverse impacts which would outweigh this benefit or give rise to any other conflict with the Framework. The appeal is therefore allowed.

Paul Singleton
INSPECTOR
Schedule of Conditions for Appeal Ref: APP/P1045/W/15/3130916

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development shall be carried out in accordance with the following approved plans: Site Location Plan, D.15.01, D.15.02, D.15.03 and D.15.04 and the details set out in the Design and Access Statement submitted with the planning application.

3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development have been submitted to the Local Planning Authority for approval in writing. The development shall be constructed in accordance with the approved sample details.

4) No development shall commence until details of the proposed finished floor levels of the bungalow and garage have been submitted to the Local Planning Authority for approval in writing. The development shall be constructed in accordance with the approved details.

5) No development shall commence until a scheme of hard and soft landscaping works has been submitted to the Local Planning Authority for approval in writing. The scheme shall include the following:
   - full details of the alterations proposed to the boundary wall of the site;
   - full details as to the trees and vegetation on the front boundary of the site to be removed and/or cut back;
   - details of the proposed new fence to the boundary with the retained garden to the existing bungalow;
   - details of arrangements for the storage of refuse bins within the site;
   - details of hard surfacing treatments to the access and parking areas.

   The landscaping works shall be carried out in accordance with the approved details and shall be completed before the development is first occupied.

6) No development shall commence until a scheme has been submitted to the Local Planning Authority for approval in writing showing the proposed means of preventing the discharge of surface water run off from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the site access and shall be retained at all times thereafter during the life of the development.

7) No development shall commence until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. The Statement shall provide for:
   - the storage of plant and materials within the site;
   - the phasing of the construction of the new site access;
• the loading and unloading of plant and materials; and
• the parking of vehicles of site operatives and visitors;

The agreed method statement shall be adhered to throughout the construction period for the development.

8) Before any excavation or construction works are commenced on the site of the proposed garage the following details shall be submitted to the Local Planning Authority for approval in writing:

- a plan showing the position of every protected tree on the land adjacent to the site (within the garden of the neighbouring dwelling) that could be affected by the development;
- details of the proposed excavation and construction works that could affect the roots of any protected tree;
- details of all appropriate measures to be taken before and during the course of the development to minimise the risk of harm to any protected trees.

All subsequent works shall be carried out in accordance with the approved details and in accordance with paragraph 5.5 of British Standard BS 5837 2012 (or any equivalent British Standard that might subsequently replace this).

9) No part of the development shall be occupied until the site access has been constructed in accordance with the details shown on Plan Ref D.15.03 and provided with visibility splays extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in each direction. At all times thereafter, during the life of the development, land within the visibility splay shall be maintained free of any obstruction greater than 1.0m (or 0.6m in the case of vegetation).

10) No part of the development shall be occupied until the vehicle manoeuvring, garage and parking provision shown on Plan Ref D.15.03 has been completed and made available for use for cars to enter and leave the site in forward gear. The two car parking spaces indicated on the plan shall thereafter be kept available at all times for the parking of vehicles.