



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

3 February 2014

To: All Councillors

As a Member or Substitute of the **Southern Area Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 11 February 2014 at 6.00 pm in the Ashbourne Sports and Community Centre.**

Yours sincerely

A handwritten signature in black ink, appearing to be "Sandra Lamb", written in a cursive style.

Sandra Lamb
Head of Democratic Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the Ashbourne Sports and Community Centre at **3.45pm** prompt. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

21 January 2014.

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 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.

Page No.

- | | |
|---|----------------|
| 4.1 Application No. 13/00496/FUL (Site Visit) | 4 - 16 |
| Demolition of warehouse and redevelopment of site to provide 3 No. dwellings at the Warehouse, Hall Lane, Ashbourne . | |
| 4.2 Application No. 13/00657/TEMP (Site Visit) | 17 - 26 |
| Change of use of land and siting of mobile home for an agricultural worker for a temporary period of 3 years at Squashley Pastures, Roston. | |
| 5. TREES PROGRESS REPORT – DDDC APPLICATIONS | 27 - 28 |
| To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders. | |
| 6. APPEALS PROGRESS REPORT | 29 - 35 |
| 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 Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Mrs Cate Hunt, Angus Jenkins, Andrew Lewer, Tony Millward (Chairman), Mike Ratcliffe, Lewis Rose, OBE, Andrew Shirley, Geoff Stevens MBE.

Substitutes: Councillors Mrs Sue Burfoot, David Burton, Bob Cartwright, Chris Furness, Neil Horton, Garry Purdy, Andrew Statham, Mrs Jacquie Stevens, Mrs Carol Walker.

SITE VISITS

Members will leave the Ashbourne Sports and Community Centre at **3.45pm** prompt for the following site visits:

3.50pm Application No. 13/00496/FUL

The Warehouse, Hall Lane, Ashbourne

Requested by the Ward Members to enable Members of the Planning Committee to fully appreciate the issues involved.

4.20pm Application No. 13/00657/TEMP

Squashley Pastures, Roston

Requested by the Ward Member to enable Members of the Planning Committee to fully appreciate the issues involved.

4.50pm Return to Ashbourne Leisure Centre

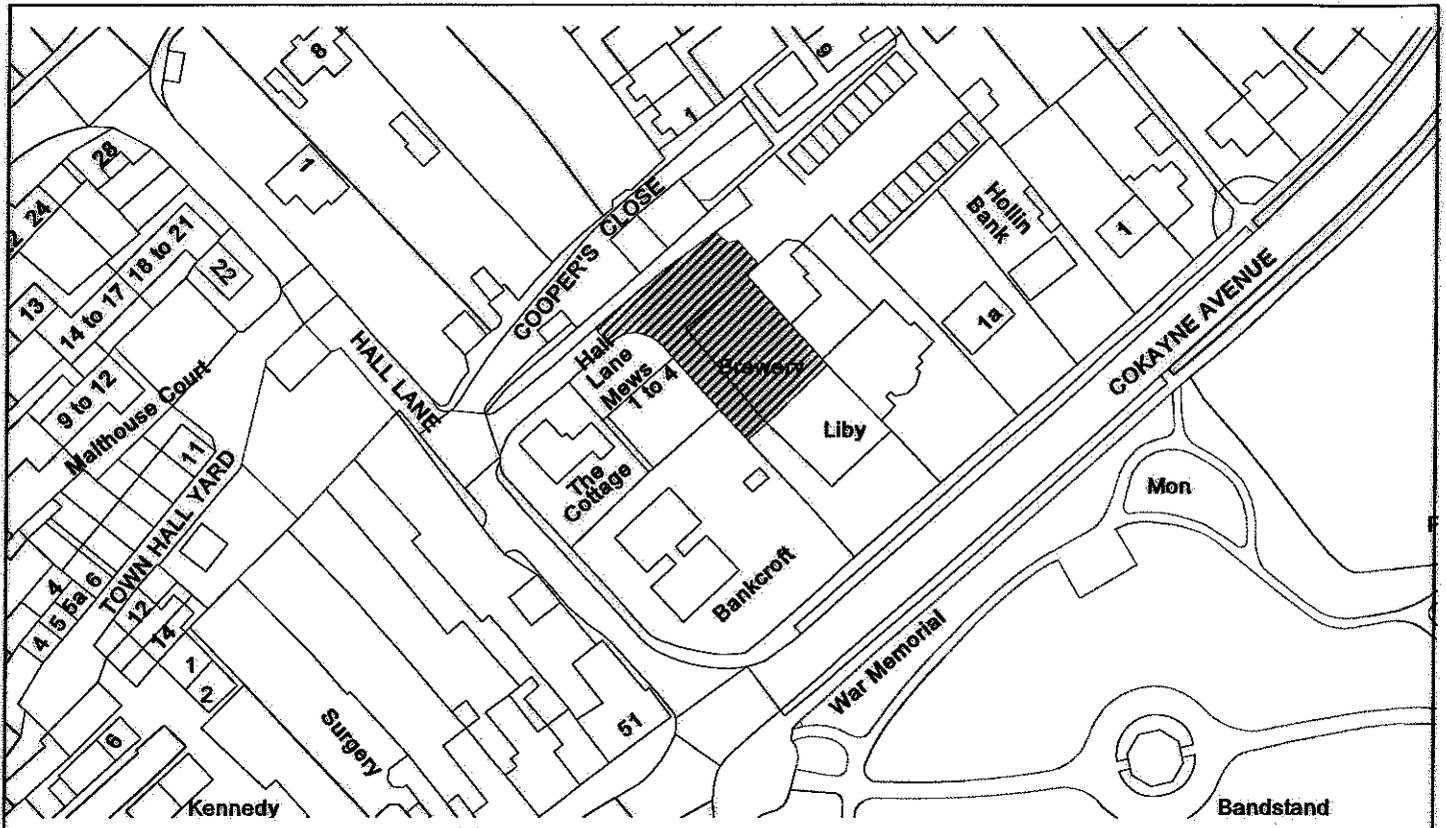
COMMITTEE SITE MEETING PROCEDURE

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.

13/00496/FUL

The Warehouse, Hall Lane, Ashbourne



Scale : 1:1250

© Crown Copyright and database rights (2014) Ordnance Survey (100019785)

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

Organisation	Not Set
Department	Not Set
Comments	
Date	31 January 2014
Licence No.	Not Set

**13/00496/FUL DEMOLITION OF WAREHOUSE AND REDEVELOPMENT OF SITE
TO PROVIDE 3 NO DWELLINGS AT THE WAREHOUSE, HALL
LANE, ASHBOURNE FOR MR & MRS R EVANS**

Town Council: Ashbourne
Application type: Full

Date of receipt: 11/07/2013
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application concerns a brick and tile construction single storey warehouse building attached to the rear of Ashbourne Library and part of Ashbourne Hall. Access is via Hall Lane along an unmade track, which also serves an existing dwelling, a block of four residential apartments (under construction but nearing completion) and a garage court, as well as the rear of the hall and library. Access into the warehouse is along the western elevation where a loading door and a personnel door are situated, opposite and close to the new apartment block. On the opposite (eastern side) elevation, the warehouse partly encloses a rear courtyard to Ashbourne Hall, located and abuts a large conservatory serving the same property. There are obscure glazed windows along this eastern elevation of the warehouse and several blocked up openings are visible on the unenclosed sides.

The premises were last used as a microbrewery but are currently vacant.

THE APPLICATION:

Full planning permission is sought for the demolition of the warehouse building and the erection of 3no two storey terraced dwellings in its place. The dwellings will be constructed in facing brickwork to match that of an apartment block close by, and have smooth grey concrete roof tiles. They will front towards a surfaced track that runs down to a gateway beyond which is the entrance to Ashbourne Masonic Hall to which there is a right of way. Two of the dwellings, will be two bedroom properties, the other, which will be on the lower side but have a higher roof ridge will have four bedrooms, with a dormer and one rooflight at the front and three rooflights at the rear. Each dwelling will have a 5m rear courtyard garden enclosed by a 3.8m boundary wall between the site and the rear courtyard to Ashbourne Hall. Narrow strips of soft landscaping will be introduced to the dwellings frontages, one of which wraps around the initial part of the buildings northern side elevation. The larger dwelling at the opposite end will have a gated side passageway leading to its rear garden where a lean-to will form part of its kitchen area. The rear courtyard/garden of the middle dwelling will have a gated passage across the rear end of the first dwellings curtilage. A brick boundary side wall with stone coping will enclose the first dwellings side boundary.

Access will be from Hall Lane with the existing shared roughly surfaced track being tarmaced with two speed humps introduced. Each dwelling will have an allocated parking space marked out in white lining. A refuse and recycling bin storage area will be to one side of the access track, to the rear of Ashbourne Hall's courtyard.

Following receipt of a number of consultation responses objections and concerns from neighbouring premises, amended plans and further (amended) supporting information has been submitted by the applicants' agent. In short this involves roosting opportunities for bats and bat tubes to both gable elevations, confirmation of the access track works, right of way for vehicles afforded to the Masonic Hall and landscaping. A sectional plan demonstrating privacy to Ashbourne Hall's rear courtyard has also been submitted along

with details of how windows that serve the retained wall of the warehouse are to be bricked up in matching reclaimed brick. Reference is made to the proposed dormer of the larger dwelling being positioned to minimise any overlooking to what are recessed balconies serving the adjacent apartments, on what also was previously a warehouse site.

It is also reaffirmed that the protected species survey that was undertaken in May/June 2013 identified no level of bat activity concerning the existing warehouse. A “loss of employment land assessment” is also provided.

RELEVANT HISTORY:

11/00225/FUL Change of use and external alterations to premises to form microbrewery - granted

CONSULTATIONS:

Local Highway Authority

The Highway Authority advise that their advice was sought on a scheme for four dwellings on this site. They confirm that they have consistently raised the poor access and extremely limited visibility at the junction with Hall Lane in response to both informal and formal planning application enquiries. The Highway Authority advise that they have generally tried to maintain an equilibrium in terms of traffic movements from that which in theory could be generated from the current buildings permitted uses. They would not wish to sanction development that could potentially increase/intensify the use of the existing access/junction.

The current proposal for three modest town houses means they would be close to the town centre and the range of facilities available are within easy walking distance. As such a residential use on this site of this scale is likely to be acceptable from a highway viewpoint.

At present all parking associated with this site takes place on the access route through to the garage court, which is shown as being within the control of the applicant (the access route to Hall Lane is also shown to be controlled – within the blue outline). This is likely to be acceptable, subject to maintaining a designated route through to the existing garage court. The parking layout provides one space for each of the new dwellings – although it would be desirable to provide some clear demarcation that this is designated parking, available for future residents, and can be controlled as such. For example, the neighbouring site that was redeveloped for apartments (Hall Lane Mews) provided an upgraded quality and clearly defined parking area for future residents. The Highway Authority ask whether something similar could be achieved for the proposed development.

The Highway Authority would normally expect an additional level of parking to be provided to support the scale of accommodation on offer, although, given the proximity to the town centre and on street parking restrictions in the vicinity, parking restraint may be acceptable and may help to suppress the level of trip generation associated with the site. It is unlikely the Highway Authority would be in a position to sustain objection to proposals on the limited parking available alone.

In the Design and Access Statement reference is made to resurfacing the driveway with tarmac. Given the deteriorative nature of the access route this would be a very desirable benefit to cater for the change in nature of visitors to the site i.e. potentially more pedestrian movements from residential dwellings to and from the

town centre facilities. The precise nature and extent of any such works should be obtained and approved prior to any development commencing on site.

Based on the above comments the Highway Authority advise that should the proposals be acceptable on planning grounds conditions should be imposed which deal the demolition phase, improvements to the access route form Hall Lane and parking arrangements. (Advisory notes are also provided for the developer's information).

Town Council

The Town Council object to the application. They express concerns regarding the visibility of the entrance/ exit, and the associated traffic generation.

Development Control Archaeologist

The site lies within the medieval core of Ashbourne. The adjacent former library building was part of Ashbourne Manor House, rebuilt 1780 by Sir Brooke Boothby. It stands on, or is close to, the site of an earlier manor house shown on a plan of 1547, which may have origins as early as 12th Century. This building was timber framed, had a turreted gatehouse and was recorded in the Hearth Tax returns of 1670 as having 21 hearths. It also had a private chapel dating from 1477. This means there is potential in this general area for buried archaeological remains. The environs of the former hall have been cleared and landscaped during the 20th century and small scale industrial buildings added, such as the warehouse. This building's foundations is likely to only comprise a shallow concrete slab. Impacts beyond its footprint may arise from resurfacing works and from excavation for services etc.

Hence, on balance, there is a moderate archaeological potential within the site, notwithstanding evidence of 20th century disturbance. This is best addressed by an archaeological monitoring condition being imposed in and around the buildings footprint, as prescribed by paragraph 141 of the National Planning Policy Framework.

Natural England

The proposed development is unlikely to affect any statutorily protected sites or landscapes. With regard to bats Natural England does not object to the proposed development based on the Ecological Survey Report provided. Opportunities should be taken for landscape and biodiversity enhancements.

Derbyshire Wildlife Trust

The submitted Protected Species survey and Dusk Bat survey report by Peak Ecology dated 7th June 2013 has been considered. The surveys have been undertaken by a suitably licensed ecologist and have been undertaken at an appropriate time of year in line with the Bat Survey Guideline (2012). The survey work did not identify the presence of bats or nesting birds. Derbyshire Wildlife Trust supports the findings and conclusions of the survey work and advise that no further survey work is required in support of the proposed development.

Paragraph 109 of the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible...'. Hence, bat roosting features are recommended to be incorporated into

the new houses. These could include incorporation of bat tubes, bat bricks or simply creating small gaps in the brickwork. Whilst no bat roosts were identified on site, these measures would ensure no overall loss of bat roosting opportunities within the local area.

REPRESENTATIONS:

Some seven letters were received in respect to the originally submitted proposals. Representations may be summarised as follows: -

- No objections and hope it will tidy the land to the back of our house. We would suggest that speed humps are introduced to the newly tarmaced track to keep speeds down. The hedge belonging to the garage should be re-laid and some landscaping i.e. a tree or two is introduced, or some borders to the front of the properties/and/or near the parking areas. Is one space per dwelling sufficient?
- We live in the flat right next to the warehouse and are concerned about our access whilst redevelopment works are taking place i.e. construction traffic along this limited track. Also we are concerned about dust and debris as our bedroom window is right next to the site.
- I support the application as I feel the design of the proposed development is a great improvement on the existing disused warehouse.
- I have no objection to the application as I think it will be an improvement to the area. However, the access track should be tarmaced before building works commence. This is because it was supposed to have been done previously by the developers of Hall Close flats, several years ago. This would reduce the amount of dust created which usually ends up in my home when traffic passes along the track. It would also be beneficial if speed humps are introduced to slow the traffic down which tear along the track despite its rough surface. The smoother surface would enable drivers to go faster.
- Ashbourne Masonic Hall Company object to the proposals and seek some assurances before the application is determined. They consider the submitted details have not been appropriately addressed.
- The warehouse to be demolished is attached to our building, we believe, using bricks and mortar on the east elevation it forms part of our weather protection and damp course which will be lost in the demolition.
- The warehouse may form part of our own buildings stability and our building may be exposed to weakness and subsidy, which has not been considered. Many years ago our building was substantially structurally modernised. We wish to take advice from a structural engineer before demolition could be granted, so our building is not compromised.
- We believe the warehouse roof is of asbestos/concrete. Would asbestos removal be hazardous to all those affected by the proposals. The presence of asbestos is not mentioned in the application.

- Our right of access onto the west side of the proposed development leading to Hall Lane is not mentioned. Would this lawful route be compromised?
- We have had no approach from the applicant to discuss alteration or repairs to our premises. What assurances can be given if at some future time structural changes appear, affecting the safety and structure of the Masonic Hall.
- We seek assurances that the existing gate to our lawful right of access past the development does not become an unlawful thoroughfare for the new residents.
- The development must not affect, disrupt or cause loss of business or expense to the company or disrupt the needs of the respective Freemasons Lodges. We believe the present sewage service may require upgrading, especially to cope with the needs of three extra dwellings. We believe the system has previously been connected into by the adjacent dwellings.
- Is the development subject to lawful approval of 'The Building Act 1984' and 'The Party Wall Act 1997'.
- The respective costs of acquiring expert advice from relevant agencies need to be apportioned. This needs to be discussed with the applicants' agent before the planning committee makes a decision.
- We are seeking urgent advice from our surveyors and solicitors in order to provide our final reaction to the proposed development and will contact the planning department in due course.
- Further correspondence from Ashbourne Masonic Hall Company reaffirms objection to the proposed development. A copy of a local firm of solicitors letter is appended which confirms that a conveyance in May 1966 provides a right of way, on foot and for vehicles across the frontage track to the proposed development but no in the opposite direction from users of the adjacent (warehouse) premises.
- The Masonic Hall Company are concerned that their right of way would put at risk any persons occupying, or using the proposed dwellings. The plans show four exit points onto the right of way, which is narrow. This would be dangerous and hazardous to any persons in that area, and should not be approved as the applicant has disregarded this issue in his submission.
- The right of way may be used for access for whatever purpose, including as an emergency exit. We envisage the right of way being blocked by resident's planters and motor vehicles. The applicants have already shown proof of unlawful parking by vehicles in this area. Local residents who may own these vehicles may object to them being removed due to the development, and may use our car park without permission. The closure of the library has resulted in parking problems.
- Three new dwellings will add to the existing parking problems and the issues of exiting onto Hall Lane.
- Our building may not be listed but it is in perfect condition and is an asset to the town. Whilst we do not object to change, it needs to be acceptable and should not

raise issues in respect to risks to live in an area where residents play and residents relax.

The owners of Ashbourne hall make the following comments: -

- The Hall is run as a self-catering holiday property which can accommodate up to 22 people. It is a very successful part of our business, let out every weekend of the year, with bookings to the latter end of 2014. This has a knock-on benefit from the footfall for surrounding businesses and brings visitors to Ashbourne. An increasing percentage of bookings is from well-known corporate brands, keen to utilise the facilities and businesses in the Derbyshire Dales.
- Our premises are used for a range of events and occasions with groups taking advantage of the conservatory and courtyard area at the rear, where hot-tub and barbeque facilities are utilised, often on weekend evenings and into the night.
- The warehouse currently abuts the courtyard and is usually unoccupied at night and in the evening, when the courtyard is being used. As a result these activities cause no disturbance to occupiers of neighbouring properties. The proposed development would introduce new residents, in close proximity to the social events in the courtyard.
- Any future complaints by new residents of the proposed dwellings may threaten the success of our established, successful business which brings numerous benefits to the town.
- With National Planning Policy having adopted a more 'pro-growth' position a successful business such as at Ashbourne Hall should, it is felt, be afforded a certain degree of protection by the planning system. Hence, it is requested that our concerns are given due weight in the consideration of this application.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)

- SF1: Development Within Settlement Frameworks Boundaries
- SF5: Design And Appearance of Development
- SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
- H1: New housing Development Within Settlement Framework Boundaries
- H9: Design And Appearance Of New Housing
- EDT4: Other Existing Employment Land And Business Premises
- NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
- NBE12: Foul Sewage
- NBE24: Archaeological Sites And Heritage Features
- NBE26: Landscape Design In Association With New Development
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development

2. Derbyshire Dales Local Plan Pre-Submission Draft (2013)

Development Management Policies:

- DMP 1: Development within Settlement Framework
- DMP 7: Biodiversity and Geological Interests

DMP 8:	The Historic Environment
DMP 9:	Design and Appearance Of Development
DMP 11:	Existing Employment Land and Premises
DMP 22:	Access and Parking

3. Other

National Planning Policy Framework (2012)

ISSUES:

1. The main issues to consider in respect to this particular application are: -

- i. is the proposed redevelopment of this commercial building site acceptable for housing purposes,
- ii. would there be any unacceptable impact upon the amenities of the occupiers of neighbouring properties, both residential and commercial
- iii. is the design and appearance of the proposed dwellings acceptable
- iv. impact on protected species
- v. highway access/safety, and
- vi. any other material planning consideration

2. As the site is currently authorised for use as business premises, Policy EDT4 in the Derbyshire Dales Local Plan (2005) will need to be considered first as it provides protection to existing employment land and business premises. The policy states that development will only be granted for the re-development or change of use of existing business for non-employment uses where;

- a) the continuation of the land or premises use is no longer required; or
- b) the current use is incompatible with the surrounding properties and land uses

The applicants' agent refers to the building being purchased by her client approximately 25 years ago and used as an ancillary warehouse for a carpet and furniture shop which was located on Church Street. Prior to this it was used for storage and distribution of tobacco and related products. Since the applicants' retirement it was used by a succession of traders renting the retail unit on Church Street. During the interim periods it was advertised through Fidler Taylor and in 2011, following planning permission being granted, it was used by a microbrewery. However, this tenancy ceased after 18 months, some interest was identified in mid-2012 for use as a gym but permission was refused. Another interest from a furniture removal business, but with modern commercial premises on the Airfield Industrial Estate and the Henmore Trading Estate, the premises were found wanting for use by modern commercial buildings and it is now felt that they are no longer feasible for commercial letting and as such demolition and redevelopment is now considered to be appropriate and have no detrimental impact upon the local market.

This was considered to be the case with the warehouse that previously occupied the site of the four apartments to the west. Accordingly, it is considered that demolition of the warehouse, the loss of its modest constrained employment potential and its replacement with dwellings is acceptable, in principle subject to assessment against other plan policies and addressing environmental constraints.

The site lies within the Settlement Framework Boundary for Ashbourne, as defined in the Adopted Derbyshire Dales Local Plan (2005). Policy SF1 advises that development within Settlement Framework Boundaries will be permitted provided it: -

- a) Makes full and effective use of previously developed land or buildings in preference to Greenfield sites and;
- b) Makes good use of existing or potential infrastructure and;
- c) Preserves or enhances the character and appearance of the settlement and;
- d) Is well related to surrounding properties and land uses and;
- e) Provides opportunities to minimise the overall need to travel by car between homes, jobs and services and;
- f) Is, or capable of, being well related to the public transport network and;
- g) Does not result in the loss of important local services and facilities and;
- h) Preserves or enhances the natural and built environment

It is considered that the proposed development satisfies the majority of these provisions, with clause (g) being adhered above.

3. The proposed dwellings have, following representations/consultation responses been redesigned to minimise any impact on the neighbouring apartments, in respect to overlooking. It is also the case that with a high wall being retained along the party boundary with the rear courtyard to Ashbourne Hall, and warehouse window openings being bricked up there should be no undue impact on the privacy levels afforded to the users of the courtyards facilities. This is considered to meet the requirements of Local Plan Policy H9 which seek a high quality of housing design that is in scale and character with its surroundings and does not have a detrimental impact upon the amenities of the adjoining or adjacent properties. It goes on to state that there should be reasonable privacy provided for each dwelling, and does not consist of development within the curtilage of a dwelling or on a site where access cannot be provided independently unless adequate privacy and amenity for both the proposed and existing dwellings can be provided.

The concerns from Ashbourne Hall in respect to introducing dwellings close to their courtyard are noted, but the following points are considered to be pertinent. The warehouse was previously unrestricted on its storage and distribution use class and presumably hours, prior to the microbrewery's approval. Ashbourne Hall registered objections against the brewery use being granted. If objection based on the noise generation at the hall is a sustainable reason to reject the proposed development, then it may well prevent any new uses or development from being introduced. The houses would be built to today's building standards and include appropriate sound insulation measures and it should be possible for two residential uses to co-exist without significant detriment to amenity.

4. The design and materials for the proposed three terraced dwellings is considered to have addressed the characteristics of this particular site. The sloping nature of the land has been considered and with relatively minor changes to levels has resulted in a stepped

design whereby the larger dwelling is accommodated at the lower end of the site which reduces its profile with the middle dwelling, adding interest to the overall terraces profile. Materials are in keeping with the locality and, as previously stated, issues regarding amenity have been given consideration. The proposed parking is a little remote and does not benefit from overview from each property. However, with the right of way for the Masonic Hall, it would appear not possible to create in-curtilage parking without compromising on other design considerations i.e. overlooking private garden areas etc. Hence, the amended proposals are considered to be in accordance with the aims of Policies H9 and SF5 of the Adopted Derbyshire Dales Local Plan (2005).

5. Both Natural England and Derbyshire Wildlife Trust are not opposed to the proposed development. The accompanying Protected Species survey demonstrates that the proposals will not adversely impact upon bats nor, at the time of the survey, nesting birds. It is proposed to incorporate bat roosting facilities into the design of the proposed dwellings which will help to sustain any local bat populations. As such, the requirements of Local Plan Policy NBE5 are satisfied.

6. Turning to highway access/safety issues, it may be seen from the response from the Local Highway Authority that in acknowledging the substandard access to Hall Lane, they have considered the sustainable location of the site for housing development, the proposed parking arrangements and the need to maintain access to other premises, which the proposed development allows for. It is also the case that with dedicated parking for only one car, the properties are not out of keeping with locality, given the limitations for parking in the immediate area, for occupiers with two or more vehicles. Visitors would not have readily available space to park and as the track is not public highway fly parkers are at risk of being clamped.

The Highway Authority note the proposed improvements to the access track between the site and Hall Lane, commenting that the surfacing works would be 'a very desirable benefit'. The recommended conditions are considered to be appropriate, and the area in general will, once all works are completed, have a much improved appearance. Having regard to the aims of Local Plan Policy TR1, and not overlooking that a business use could generate far more vehicular movements (i.e. the previous gym proposal) than the proposed dwellings, the proposals are considered to be acceptable from a highway viewpoint. The objection/concerns from the Town Council are not shared on this particular occasion.

7. The stated concerns from the Ashbourne Masonic Hall Company have also been considered. These relate to structural stability being compromised, both now and at some future date by demolition of the adjoining warehouse, and the developments impact upon their right of way. The applicant's agent has responded to the representations and consultation responses with amended plans and further information. Firstly, the right of way for vehicles is acknowledged both on plan and in an amended Design and Access Statement. The right of way has existed for some time during the uses of the warehouse building. As the openings are from the right of way it is not unreasonable to have the houses front doors along this elevation, especially when parking is elsewhere. It is considered that loading/unloading of goods would be more likely to temporarily obstruct this right of way than pedestrian access to and from the dwellings. Notwithstanding this, the right of way is to be written onto the sales deeds of the dwelling to avoid any uncertainty.

With regard to demolition of the warehouse, and the concerns of both the Masonic Hall Company and Ashbourne Hall users, the applicants' agent has provided the following comments. Prior to development and in accordance with The Party Wall Act 1996, Party Wall surveyors will be appointed by the developer to act on behalf of adjoining owners/occupiers. Structural engineers will be consulted on the stability of communal walling and mitigation measures employed prior to any demolition works. It is the case that civil rights are not overruled by the granting of planning permission, indeed the owner of the warehouse could merely wish to demolish it without any redevelopment being sought. Whilst not requiring full planning permission property rights would still apply.

8. In conclusion, it is considered that the proposed development is in accordance with relevant Adopted Local Plan Policies and the advice in respect to sustainable economic development in the National Planning Policy Framework Part 6 refers to the delivery of a wide choice of high quality homes; paragraph 51 advises that Local Planning Authorities should normally approve planning applications for change from commercial buildings to where there is an identified need for additional housing in that area, providing strong economic reasons do not dictate otherwise.

The policies of the Derbyshire Dales Local Plan Pre-Submission Draft (June 2013) are at a relatively early stage of formulation and may, at this juncture, be afforded only limited weight. Accordingly, based on the above the balance of consideration is that the application merits a recommendation of approval.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions: -

1. ST02a: Time Limit On Full
2. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 5th December 2013 numbered JABD/74/003 Revision D, JABD/74/004 Revision 5, JABD/74/005 Revision B, and amended Design and Access Statement.
3. DM01: All Materials to be Approved – General
4. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: -
 - i. Demolition operations
 - ii. Parking of vehicles for site operatives and visitors
 - iii. Construction compound for building materials and plant
 - iv. Routes for construction traffic
 - v. Method of prevention of mud/debris being carried onto highway
 - vi. Arrangements for turning vehicles
 - vii. Arrangements for preserving access to garages/safety of existing users

5. Before any other operations are commenced details of the improvements to the access route between the site and the public highway (including definition of the through route and drainage) shall be submitted to and approved in writing by the Local Planning Authority. The works being carried out in accordance with the approved details in a timescale to be agreed with the Local Planning Authority or prior to occupation of any dwelling, the subject of the application.
6. The premises, the subject of the application, shall not be occupied until space has been provided within the application site, in accordance with the application drawing (JABD/74/005 Rev A), for the parking of residents vehicles, laid out, surfaced, marked (in accordance with the submitted drawing), appropriately signed and maintained throughout the life of the development free from any impediment to its designated use.
7. No meter boxes and/or soil waste pipes shall be fixed to the exterior of the building without the prior written approval of the Local Planning Authority.
8. All verges shall be given a plain mortared finish without the use of bargeboards. All rainwater goods, which shall be black, shall be fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.
9. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the buildings.
10. a. No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved in writing. The scheme shall include an assessment of significance and research questions; and
 - i. The programme and methodology of site investigation and recording
 - ii. The programme and provision to be made for post investigation analysis and reporting;
 - iii. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - iv. Provision to be made for archive deposition of the analysis and records of the site investigation
 - v. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b. No development shall take place other than in accordance with the archaeological Written Scheme of investigation approved under

Reasons:

1. ST02
2. For the avoidance of doubt
3. DM01: ...the aims of Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005).
4. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).

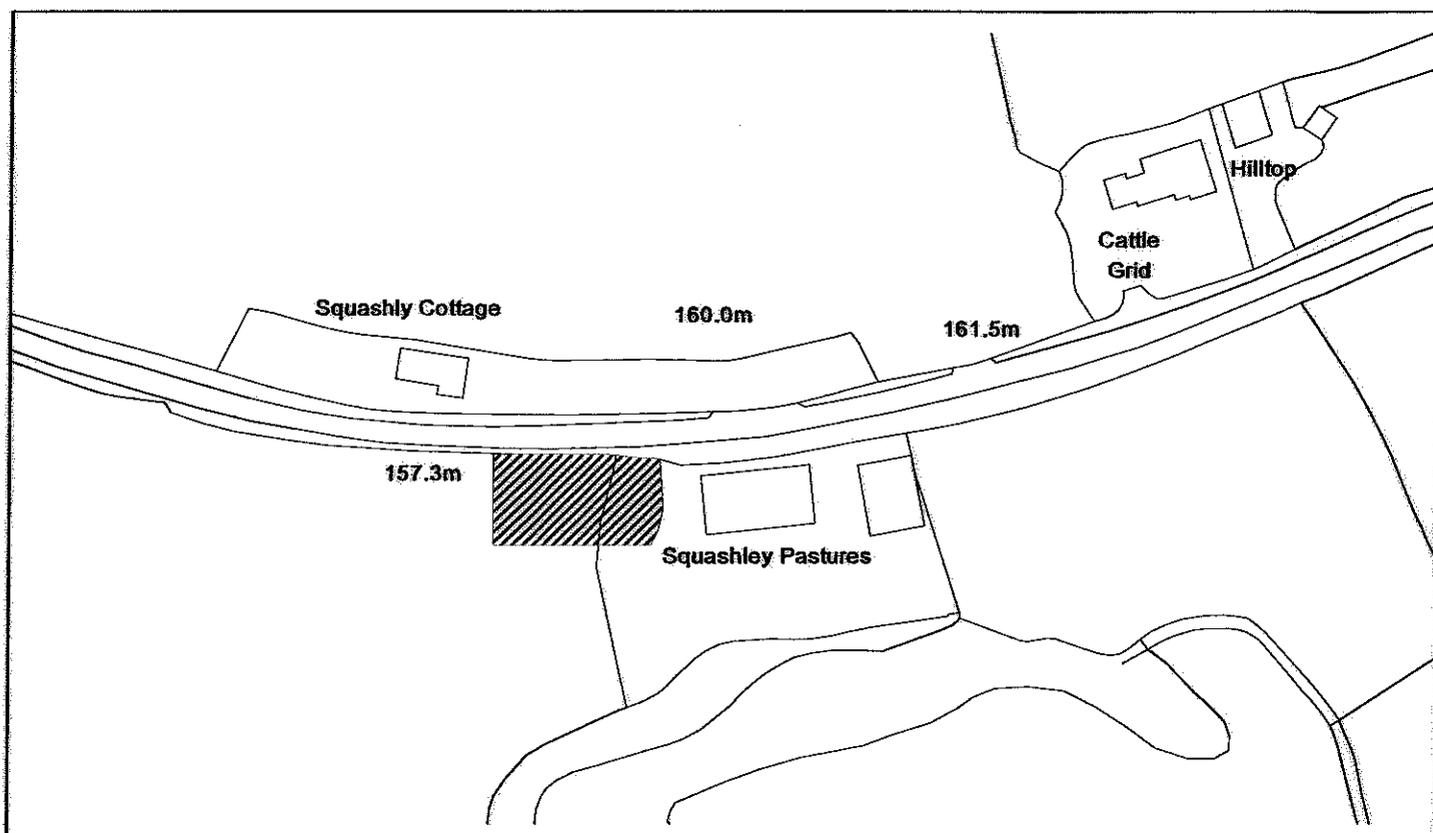
5. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).
6. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).
7. DM23: ...the aims of Policy SF5 of the Adopted Derbyshire Dales local Plan (2005).
8. DM24: ...the aims of Policy SF5 of the Adopted Derbyshire Dales local Plan (2005).
9. DM25: ...the aims of Policy SF5 of the Adopted Derbyshire Dales local Plan (2005).
10. To safeguard any archaeology that may be present in accordance with the aims of Policy NBE24 of the Adopted Derbyshire Dales Local Plan (2005).

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 design details.
2. This permission relates to the following documents:
 - 1:500 Proposed Landscaping Plan drawing no JABD/74/005 Rev B received 5th December 2013
 - 1:100 Proposed Plans and Elevations drawing no JABD/74/003 Rev D received 5th December 2013
 - 1:500 Site Plan drawing no JABD/74/004 Rev E received 5th December 2013
 - Design and Access Statement (V2) – received 5th December 2013

13/00657/TEMP

Squashley Pastures, Roston



Scale : 1:1250

© Crown Copyright and database rights (2014) Ordnance Survey (100019785)

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

Organisation	Not Set
Department	Not Set
Comments	
Date	31 January 2014
Licence No.	Not Set

13/00657/TEMP CHANGE OF USE OF LAND AND SITING OF MOBILE HOME FOR AN AGRICULTURAL WORKER FOR A TEMPORARY PERIOD OF 3 YEARS AT SQUASHLEY PASTURES, ROSTON FOR MR & MRS J CARR

Parish Council: Norbury and Roston
Application type: Temporary

Date of receipt: 10/09/2013
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application relates to an existing farm premises located on a narrow, descending lane, at Squashley Bank, to the east of Roston village. The farm is modest in size totalling some 13 hectares, of which 5 hectares is owned by the applicant. The farm yard with a number of livestock and fodder storage buildings is accessed by a recessed metal gate, and a short concrete drive that slopes down to the yard. Mature roadside hedgerow partly screens the farm buildings from view. A private dwelling is situated close by across the lane, a further dwelling is located around 50m northeast of the closest farm building.

Specifically, the application relates to a small area of field immediately to the west of the existing recessed access.

THE APPLICATION:

Temporary planning permission is sought for a three year period for the siting of a mobile home for an agricultural worker, namely the applicant, to reside in. The dwelling will be a single storey timber structure with an apex height of just under 4.5m. It will be 13.25m long by 8.7m in width and provide three bedrooms, bathroom, kitchen, utility and living room accommodation. An open sided porch will project off the front entrance door which will face south across the field. It will be positioned close to the boundary with the lane, where recently planted trees are located.

The application is supported by a Design and Access statement by a firm of agricultural consultants. The statement advises that the temporary dwelling would be located approximately 20m from the nearest livestock building to ensure close supervision to ensure animal welfare and security is not compromised. It will be well screened from the public highway by existing hedgerow. Public views from other directions would be distant with a number of intervening hedgerows and tree belts inbetween. As such a landscaping scheme is not considered necessary. The local area is pastoral, with a number of small livestock units in the area. The fields are typically small and irregularly shaped, boarded by mature hedgerows and hedgerow trees.

The application is also accompanied by an agricultural appraisal which considers the functional need for a temporary dwelling and the financial sustainability of the business.

RELEVANT HISTORY:

12/00258/FUL Erection of agricultural livestock building – Granted

11/00861/FUL Erection of fodder store (retrospective) – Granted

11/00660/FUL Erection of livestock building, siting of mobile home for use as an agricultural workers dwelling for a temporary period of three years and installation of septic tank – Withdrawn

13/00657/TEMP (continued)

- 10/00215/AGR Agricultural Prior Notification – Erection of fodder store – prior approval not required
- 09/00739/FUL Erection of fodder store – Withdrawn
- 09/00514/FUL Erection of agricultural livestock building – Refused
- 08/00823/TEMP Siting of residential caravan for a temporary period of five years – Withdrawn
- 06/00800/FUL Erection of livestock storage building – Granted
- 05/01027/FUL Fodder store – Granted

CONSULTATIONS:

Local Highway Authority

Refer to previous comments regarding a proposed agricultural workers temporary dwelling on this site under application reference 11/00660/FUL, to which objection was not raised, in principle. This was based on visibility improvements being possible at the existing access point, to offset the additional traffic generation associated with a dwelling.

Sightlines of 2m x 33m were recommended in either direction, this was achievable to the east without further work, but to the west a mature hedge severely restricts emerging vehicle visibility. To meet the previously recommended visibility sightline the hedge to the west of the access point would need to be lowered to no more than 1m high or taken out (for a distance of circa 30m) and re-set behind the recommended visibility sightline. In this instance it is not considered that the face of the hedge could be cut back to achieve the splay dimensions required current guidelines also now suggest that visibility sightline viewpoint should be taken 2.4m back from the carriageway edge, along the centreline of the access point, which will require the hedge setting back slightly further into the site to achieve.

The submitted application does not include the previously suggested improvements and the Design and Access Statement describes the access as 'adequate'. How this opinion has been reached is not clear. Without the improvement to visibility the addition of a dwelling is likely to intensify the use of a substandard access, where visibility falls below the desirable minimum criteria, increasing the danger to other highway users which means the application should be refused on this bases. However if the applicant is willing to undertake the improvements recommend in the previous Highway Authority response, conditions should be appended to any consent that is issued, in the interests of highway safety, that deal with visibility splays and associated parking space being provided.

Parish Council

Object to the application for the following reasons: -

- The acreage cited is insufficient to run the enterprise proposed, with the insecurity of only 38% of the land being owned freehold, the rest being rented on short or long term tenancy.
- This small site would see an over-intensification which the acreage does not justify. It will result in an unreasonably large unit for the land involved.

- The number of traffic movements will inevitably increase with a rolling cycle of approximately 120 calves arriving and leaving every 16 weeks as well as specialist and other feed deliveries, slurry collection, vet visits for TB testing. This will also apply, though to a lesser extent to the barley beef business. Hence, there is a real highway issue as to the volume of traffic, unsuitable for an extremely narrow road, with the site entrance on the brow of a steep hill.
- We question the financial viability of the enterprise, with there being no sensitivity analysis to see what the effect would be if prices drop.
- The proposed temporary mobile dwelling would be out of character with the village and its large size with three bedrooms rather than a farm workers accommodation would be unduly dominant on the brow of the hill.
- We are concerned about noise pollution to neighbours caused by the considerable distress of 3-4 day old calves having been separated from their mothers. Odour pollution for neighbours, which already occurs, is a further concern.

REPRESENTATIONS:

Three letters from local residents and one from a planning consultant representing one of the neighbours have been received in opposition to the proposed temporary agricultural workers dwelling. (One letter in support has been received) Their representations may be summarised as follows: -

- The applicant only owns 5.1 hectares and no information is supplied as to the security of the rented land. Surrender of this land would affect the viability of the enterprise. There is no information in the agricultural appraisal as to whether the amount of land is sufficient for the number of stock proposed.
- An inconsistency in the agricultural appraisal exists. The table on page 5 indicates a labour requirement, not including the caravans, equivalent to 2.05 standard man days. In contrast at paragraph 6.14 of the appraisal labour costs are based on 1.5 labour units rather than 2 labour units, the cost of which, based on the lowest minimum wage of £13,500 would be £27,000 rather than £20,250. As these figures are based on the lowest agricultural wage labour would cost significantly more.
- Local Plan SF4 requires proposals to preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. The proposal does not do this. It would be intrusive and adversely affect the local environment visually. Residential amenity would be harmed through the proposed camping, caravans and associated traffic. There is a lack of adequate manure storage.
- Vehicular access to the site is poor and would not facilitate all the proposed details within the agricultural appraisal. The lane is narrow and you can see where traffic has had to use verges to pass each other. The applicant lives locally and therefore the application does not warrant a permanent residence.
- The site has no mains electricity which should be considered when determining viability.

- The housing of large numbers of stock will have a detrimental environmental effect on the locality.
- If an enterprise such as this was submitted as a single application it would not be permitted due to the proximity of the residential properties.
- As a resident of some 25 years in this community I would like to give my whole-hearted support to the applicant who was born in Roston in 1983 and has lived in the community for a number of years. I regularly walk past Squashley Pastures and, as a personal observation believe both the continued welfare of the animals and property would benefit from a more permanent presence. Security during the winter evenings when farm animals and property are vulnerable is a particular concern. The community has close, traditional links with farming and I would welcome the encouragement and continuation of this legacy.
- The planning consultant represents the residents who live across from the site at Squashley Bank Cottage, and makes the following representations (also summarised).
- The size of the owned land would not be viable if the rented land was to be taken off the applicant. This would not be a viable long-term agricultural enterprise. No reference is made as to the land being sufficient for the proposed numbers of stock.
- The proposed access is substandard, no proposals for improvement are included and no speed survey has been undertaken to suggest the access is appropriate.
- The caravan clubs basic requirements for a certified site for five caravans and ten tents are: -
 - i. At least half an acre of fairly level land
 - ii. Safe access and egress from the site; our site officer will assess this for you but we base it on approximately 100 meters of clear view in either direction. It doesn't matter if you have a narrow or single track lane either, provided there is good visibility and enough passing places.

There is not 100m clear view in either direction along the road and it is unlikely that a certified site would be possible, which will impact on future income and viability.
- The Highway Authority considers the present access to be inadequate. To make it adequate removal or severe pruning would be required making the mobile home conspicuous both from the road and on the skyline. This would have a detrimental visual impact. It is not clear in the Highway Authority's letter that they are aware of the proposed caravans and camping. Caravans need more space to turn and it is not clear that the access is adequate, nor is it clear that the access could accommodate the livestock wagons visiting the site.
- Squashley Bank is a narrow lane with no passing places, vehicles currently reverse into the Squashley Pastures gateway to facilitate passing. This will be exacerbated with intensification of the site. The planning application states only two extra vehicles but this will significantly increase with delivery of feed, stock etc. verges are currently mounted and ruined.

- Whilst the caravans and camping might not require planning permission there is no indication of where these will be or where visitor's cars would be parked. These could be across from my clients' house and have an adverse impact on residential amenity.
- The use of the land for caravans is probably only workable if someone lives on the site and as such, whilst not needing planning permission are part and parcel of the proposed development and their impact should be considered.
- The ten tents and five caravans could result in fifteen more cars, operating all year round, impacting on amenity.
- The entire livestock, including turkeys would produce a sizable amount of excrement. Although not part of the application, this number could not be kept at the site without a dwelling. Where would the manure be stored. If near to my client this would impact adversely on amenity.
- The extent of livestock depends on a dwelling being introduced, environmental impacts, noise and smells, on nearby houses should be taken into account, yet the application is silent in this regard. As a single proposal, the enterprise that already exists and is proposed would not be accepted.
- There is a discrepancy in the submitted details regarding the labour requirement with 2.05 standard man days being cited yet this then is based on 1.5 labour units further into the appraisal. Two minimum wages equates to 2 x £13,500 and not £20,250 as stated. I understand that the minimum agricultural workers wage can go up to £20,400 per annum. If one worker earn this, then together with a basic wage the labour cost rises to £30,000, more than the projected profits.
- Saved Local Plan Policy H9 has criteria to do with impact on a developments surroundings. Although seeking a temporary permission, the proposed dwelling will be contrary to the policy, being highly visible. Policy SF4 requires development proposals to preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. The proposal does not satisfy these policy requirements given the likely cumulative impacts on a visual and residential amenity.
- There is no electricity supply to the site, provision of electricity has not been costed. The applicant lives locally and is able to visit the site relatively easily.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance of Development

H4: Housing Development Outside Settlement Framework Boundaries

H9: Design And Appearance Of new Housing

EDT13: Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise

NBE7: Features Important In The Landscape

NBE12: Foul Sewage

NBE24: Archaeological Sites And Heritage Features

NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development
2. Derbyshire Dales Local Plan Pre-Submission Draft (June 2013)
Development Management Policies: -

DMP2: Development in the Countryside
DMP3: Agricultural and Rural Workers Dwellings
DMP7: Biodiversity and Geological Interests
DMP9: Design and Appearance Of Development
DMP22: Access and Parking

3. Other
National Planning Policy Framework (March 2012)

ISSUES:

1. Introduction

The assessment of agricultural workers dwellings in the absence of an adopted Local Plan policy has to be made in accordance with paragraph 55 of the National Planning Policy Framework which states that new dwellings in the open countryside should be avoided unless there are special circumstances such as “the essential need for a rural worker to live permanently at or near their place of work in the countryside”.

Whilst this guidance is very limited it is generally accepted that an application for an agricultural workers dwelling must satisfy the following criteria:-

- (a) an essential need for a worker to be resident on site
- (b) that no other dwelling can meet that need
- (c) that the enterprise is, or will be, financially sustainable
- (d) and that the particulars of the application, such as siting and size must be acceptable.

In this case the applicant has submitted an agricultural appraisal to support the application which suggests a need and future sustainability. Given the relatively marginal nature of the case made and comments of the Parish Council and individual representations this appraisal has been subject to independent analysis by the Council’s agricultural consultants to assess the case for an agricultural workers dwelling. The case made and the conclusions of the Council’s consultants are discussed first in this analysis before moving on to assess the impact of the proposal on the environment in terms of highway safety, the impact on the character and appearance of the countryside and residential amenity.

2. The Case for a Temporary Agricultural Workers Dwelling on Site

The case made has been analysed by the Council’s consultant and his findings can be summarised as follows:-

- (i) **Essential need**
The applicants proposal is to rear batches of calves from 10 days old, to finish a limited number of bull calves, to keep a flock of breeding ewes and rear turkeys for the Christmas market. This scale of enterprise would necessitate a worker resident on site. In particular the calf rearing enterprise, with large numbers of infant and young calves will require a worker to be resident.

- (ii) Can other dwellings meet that need
Only a dwelling very close to the operation could meet the need and the ones in close proximity are not believed to be available.
- (iii) Financial Sustainability
The applicant's margins on the sales of calves have been verified by checking market reports on calf sales.

The applicant has suggested a labour requirement of 2.05 full-time workers. However, the labour costs are budgeted at 1.5 times the minimum agricultural wage. If wages had to be paid on 2 workers this would exceed the profit margin projected.

However, the applicant's labour needs can probably be reduced based on standard labour requirements for calves.

On balance and based on the less prescriptive approach of the NPPF and the stated objective to "promote the development and diversification of agricultural land and other land based rural businesses", it is considered that there is probably sufficient prospect of financial success to warrant a temporary dwelling consent.

Whilst the framework does not set out a test for temporary dwellings, given the marginal nature of the scheme and the nature of the application, a temporary permission is appropriate.

Any future application for a permanent dwelling would need to be accompanied by documentary evidence of purchase and sale prices and evidence of the security of tenure of the rented land.

The above analysis is independent and objective. What is clear in this case is that the business model proposed is a marginal one and reliant on rented land. However, the thrust of national policy advice is to support rural enterprise. The consultant concludes that there is sufficient prospect of financial success to warrant a temporary dwelling. On this basis, and without prejudice to any future proposal for a permanent dwelling which would need full financial justification, the granting of a temporary consent in this case is considered warranted.

3. Highway Safety

The access into the site lies on the brow of a hill along a relatively narrow lane enclosed by hedgerows. The visibility from the current access is acceptable in an easterly direction but limited in a westerly direction where a roadside hedge obscures the view of traffic approaching from the west. The Highway Authority consider that an increase in traffic volumes will result from a residential presence on site and have requested that a visibility splay of 33m x 2.4m be formed to the west by the reduction in height or removal of the hedge. Whilst traffic volumes are relatively low in the locality and the nature of the road constrains speeds, the visibility to the west is very substandard and requires improvement. The loss of or reduced height of the hedge would be regrettable but should be balanced against highway safety. In any event, it is estimated from visiting the site that because of the alignment of the hedge and roadside verge to achieve a 33m splay, only approximately half this length of hedge

would be affected. Although not indicated in the application the applicant is willing to carry out the improvements requested on the land within his ownership and therefore a condition can be imposed.

4. Impact on the Character and Appearance of the Countryside

As discussed above, the loss and / or reduction of the hedgerow along the lane will be detrimental to the character and appearance of the countryside. However, this harm can be minimised by requiring the provision of a replacement hedge set behind the visibility splay.

The temporary dwelling itself will cause some intrusion into the countryside but the dwelling is to be sited in the corner of a field close to existing agricultural buildings. In such a location and given the policy support in principle for agricultural workers dwellings in appropriate cases, the harm to the character and appearance of the countryside is not considered significantly adverse.

5. Residential Amenity

The operation of a livestock farm has some potential to impact on the amenity of nearby dwellings. However, in terms of the direct impact of the proposal any impact on amenity should be assessed on the basis of overbearing, overshadowing or overlooking. The proposed chalet style building is single storey and is to be set behind recently planted trees behind the existing hedgerow. Whilst the works to improve visibility may expose it to some degree, there is a roadway between it and the nearest dwelling whose garden is enclosed with a hedgerow. In these circumstances any harm to amenity resulting from this single storey building is not considered significant. The residents of Squashley Cottage will certainly notice a change with the introduction of a temporary dwelling but any overlooking or intrusion will not, it is considered, be significant in planning terms.

6. Conclusion

A case, albeit marginal, exists for a temporary agricultural workers dwelling to support this rural business. Whilst some harm to the character and appearance of the countryside will result from loss of hedgerow to create a safe access this can be mitigated in time by new planting. On balance, therefore, the proposal broadly complies with national guidance and local plan policy and the granting of a temporary permission is justified. Any future proposal for a more permanent presence would need to be fully justified in terms of the long-term financial sustainability of the business.

OFFICER RECOMMENDATION:

Grant temporary planning permission subject to the following conditions:

1. ST02a Time Limit On Full
2. ST13 Temporary Permission – Remove Buildings ... Three years
3. RD8: Agricultural Occupants Only
4. Before any other operations are commenced, the existing access to the fronting public highway shall be provided with minimum 2.4m x 33m visibility splays in either direction, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m when measured to the nearside carriageway channel level. The

visibility sightlines thereafter being maintained in accordance with this condition for the life of the development.

5. The proposed agricultural accommodation, the subject of the application, shall not be occupied until the parking area has been laid out in accordance with the application drawings, constructed as may be agreed with the Local Planning Authority and is available for use. The parking area thereafter being maintained free from any impediment to its designated use for the life of the development.
6. Prior to the commencement of development precise details of the removal or cutting back of the roadside hedgerow shall be submitted and agreed in writing with the Local Planning Authority. The works shall then be carried out in accordance with the agreed details.
7. In the first planting season following commencement of works a new native hedgerow, whose details shall first be agreed prior to work starting on site, shall be planted to replace any hedgerow lost immediately to the south of the newly created western visibility splay. Any hedgerow plants lost to death or disease within the first 5-years shall be replaced in accordance with the approved scheme.

NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 11th FEBRUARY, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for January 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
107	46 PREMIER AVENUE, ASHBOURNE CROWN LIFTING OF ASH Reasons: Excessive shading To grow organic vegetables Risk of dead branches falling	PENDING DECISION
123	3 CATHERINE COURT, ASHBOURNE CROWN REDUCTION OF 3 LIMES Reasons: Overpowering the garden of the neighbouring property Dropping branches	PENDING DECISION
107	3 FORSHAW CLOSE/6 HAMBLETON CLOSE, ASHBOURNE PRUNING OF OAK Reasons: To crown lift and balance the crown	PENDING DECISION
14	IVY BANK HOUSE, CHURCH STREET, BRASSINGTON PRUNING OF BEECH Reasons: To reduce weight & wind resistance To reduce heavy shading	PENDING DECISION
14	HIGHBANK HOUSE, HILLSIDE LANE, BRASSINGTON PRUNING OF LIME Reasons: Low branches over roof and drive To improve light to house	PENDING DECISION
8	WAYSIDE, CHAPEL LANE, CLIFTON PRUNING OF CEDAR Reasons: Overhanging branches close to roof & TV aerial	PENDING DECISION

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
CARSINGTON & HOPTON	MINING HIGH, MINING LANE, CARSINGTON FELLING OF TREES	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	Reasons: Signs of Dutch Elm Disease	
BRASSINGTON	JACKDAW COTTAGE, BOWLING GREEN, BRASSINGTON FELLING OF SPRUCE Reasons: Low amenity value Excessive size in exposed location Potential threat to property or neighbouring property	PENDING DECISION
OSMASTON	STAGSFELL HOUSE, MOOR LANE, OSMASTON FELLING OF ASH Reasons: Included fork Risk of failure of leaning limb	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

NOT CONFIDENTIAL - For public release

SOUTHERN AREA PLANNING COMMITTEE – 11 February 2014

PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/11/00009	Turlow Fields Farm, Turlow Fields Lane, Hognaston	LI	Appeal being processed
13/00084/FUL	31 The Green Road, Ashbourne	IH	Appeal Dismissed – Copy of Decision Attached
ENF/11/00037	Hillside Lodge Farm, Kirk Ireton	IH	Appeal being processed
13/00364/FUL	The Paddocks, Somersal Herbert	WR	Appeal being processed
13/00255/OUT	Hillside Farm, Wyaston Road, Ashbourne	LI	Appeal being processed
12/00741/FUL	Land South of Glebe Farm, Commonside, Brailsford	WR	Appeal being processed
13/00093/FUL	Land at Wash Hills, Town Street, Brassington	IH	Appeal being processed
13/00161/LBALT	Ednaston Home Farm, Brailsford	WR	Appeal being processed
13/00254/FUL	Holmlea Farm Cottage, Marston Lane, Doveridge	WR	Appeal being processed
13/00472/FUL	Land between Bankside and Belle Vue Road, Ashbourne	WR	Appeal - Withdrawn

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

Appeal Decision

Hearing held on 7 January 2014

Site visit made on 7 January 2014

by K G Smith BSc(Hons) MRTPI

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

Decision date: 16 January 2014

Appeal Ref: APP/P1045/A/13/2201870

Greenacres, 31 The Green Road, Ashbourne DE6 1ED

- 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 Swan Homes (Ashbourne) Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref 13/00084/FUL, dated 4 February 2013, was refused by a notice dated 24 May 2013.
 - The development proposed is the demolition of an existing dwelling and the construction of four detached dwellings with associated garages, access and tree removal.
-

Decision

1. The appeal is dismissed.

Procedural and Background Matters

2. Based on maps prepared using the postcode, and on my 'satnav', there is some doubt as to the accuracy of the postcode quoted above. However, the parties were unable to offer any clarification and it is the same code that was used for the previous dismissed appeal for one dwelling in 2008.
3. The site is the subject of (area) Tree Preservation Order (TPO) No 92, Trees at Greenacres, Green Road, Ashbourne, dated 1993. There was some replanting of trees on the site following the removal of twelve after storms in 2007.
4. Greenacres is a large empty boarded-up 1930's house on a large site. It once had a very substantial garden but part of that has been redeveloped and the remainder – which is still very large - is now unused and much overgrown. The main part of the site (other than the access) is approximately rectangular, lying on a north east/south west axis. The land slopes down from north west to south east. The proposed houses would be split level, being two storey at the back/north west and 2.5/3 storey at the front. In summary, the proposal is to demolish the house and to erect four detached houses in a north east/south west line across the site, generally on the site of a tall yew hedge above an old rockery. Access would be from the driveway that serves two of the three large houses to the north on the former tennis court and the orchard to Greenacres.

Main Issues

5. The principle of development of the site for housing is accepted by the Council. There is no dispute over access or drainage. Although reference was made by the appellant company to its doubt that the Council has a five year housing land supply, this was disputed by the Council; the matter was not pursued because of the Council's acceptance of the principle of housing development of the site and no evidence was submitted on the subject.
6. The Council has no objection to the design of the proposed houses as such. Its only concerns relate to the impact of the development on the trees and, linked with the retention of trees on the sides of the site, the scale and density of the housing in the middle of it.
7. The appellant suggested to the Council, prior to its decision on the application, that provision could be made for tree planting off-site to replace those that would be lost but the Council was not amenable to this suggestion and it was not pursued.
8. The appellant proposes to manage the trees on the borders of the site by placing them under the control of a management company and excluding the land in question from the ownership of the future owners of the houses. The house owners would be required to pay the management company for its work. While I have no doubt as to the appellant's intention in this regard, there is no provision by way of a S106 Obligation to guarantee the establishment of the management company or to ensure that the boundary land would not be included in the residential curtilages. However, the Council does not take issue with this point and, if the appeal were allowed, it would – in the light of the TPO - be content with a condition to secure the tree management.
9. The main issues are: whether the housing would be cramped, with limited amenity space, and would thereby harm the local sense of place, mature garden environment and setting; the impact on the character and appearance of the area from the loss of trees during construction works and/or during the occupation of the houses; and the scope for additional tree planting on the site.

Reasons

Cramped Development

10. I find little substance in this concern. The principle of building housing on the site is accepted and, unless any new built development were limited to something very similar to the location and footprint of the existing building, it is inevitable that there would be an impact on the claimed 'mature garden setting'. Any such former setting can still be recognised when on the site but it is now wrong to give it the benefit of such a description, as it has had no maintenance for some years and is now very much overgrown and in poor condition. It has to be noted also that the screen fencing around the site would effectively hide views from the exterior, other than through the access, of any lawns, flowers and low level bushes if the garden were restored.
11. The houses would lie across the middle of the site. They would be large and over 2m apart but the proposed house on Plot 1 would be splayed to give a wider separation at the front from the house on Plot 2. In reacting to the constraints of the site, the dwellings would be set back from its boundaries by the intervening space for the retained trees and the gap between the houses

and the trees. The density in simple numerical terms would not be high and it would compare favourably with others nearby. The net density of the appeal site would be 10 dwellings per hectare (dph) (or around 4 per acre) compared with 9 dph for the housing to the north east and north west of the site, 22 and 33 dph for those to the south east and 60 dph for the area to the west. Clearly, there is a huge variation locally and the density for the appeal site would be towards the lower end.

12. There would be space within the shared access on site for turning vehicles but refuse lorries would not enter the site. In any event, the shared access could be widened at or near Plot 3 to improve the turning facility if necessary. A detail such as this could be controlled by a condition.
13. Despite the site constraints, the individual plot sizes – outside the 1,094 sq m proposed as a shared amenity area under the control of a management company - would vary between almost 600 and 870 sq m. While houses of the size proposed would benefit from being set slightly wider apart, this is not a design issue of any significance.
14. The density of development, whether in terms of a comparison with densities in the surrounding area, the site coverage, the plot sizes or the amount of private and shared amenity space, would not be high and the development would not be unduly cramped. In this regard, the scheme would not detract from any local sense of place, the local setting or the character or the appearance of the area and there would be no conflict with saved local plan Policy H9 on the Design and Appearance of New Housing.

Tree Loss Impacts

During construction

15. There is dense tree cover on much of the three sides of the site other than the north east next to the existing drive to the houses to the rear. A tree survey has been submitted by the appellant which gives the tree categories and details of those to be felled to make way for the development. The side of the site that is most prominent in views from nearby is the south west, which is next to the public footpath along the boundary and close to the Auction Close car park. This is also the side of the site, together with near the north west corner, where the greatest amount of tree felling would occur. This boundary is marked by an impressive line of tall (Category A) lime trees, which continues along the south east boundary.
16. This proposal differs from that in the 2008 appeal which was for one dwelling and, as the Inspector stated in paragraph 6 of her decision, there would have been no direct adverse impact on the protected trees. Her concern in that case was primarily with the effect of the protected trees on the future occupiers, leading to pressure to fell or prune them.
17. Five Category B trees would be felled (three Lawson's cypress from Group 10 on Plot 2 and two Deodar cedar from Group 9 on Plot 4) which are of particular value in the winter months when the boundary trees give little screening. In addition, a large number of Category C trees would be felled. While the latter are described as being of 'low' value, their disappearance plus the Category B cedars from the south west side of the site would diminish substantially the amenity value of the dense tree screen on that side and near the north west

corner; views in winter into the site would be over the boundary fence and between the trunks of the line of limes. The removal of much of the substantial tree cover from the south west side of the site would cause significant harm to the amenity value of the belt of trees and thereby to the character and the appearance of the area in views from nearby. This would be in conflict with saved local plan Policies SF1 Development within Settlement Framework Boundaries, SF5 Design and Appearance of Development, H1 New Housing Development within Settlement Framework Boundaries, H9 Design and Appearance of New Housing and NBE6 Trees and Woodlands.

During occupation

18. The occupied dwelling that would be most affected by the proximity of the trees would be on Plot 4. I acknowledge that the plan that identifies tree shading patterns from the retained trees shows the worst-case situation. Nevertheless, when the 18m high boundary lime trees - which would run in a line from the south west to the north west of the house and have an estimated mature height of 22m - would be in full leaf, the overlapping shading patterns at the house clearly indicate that its occupiers would suffer from overshadowing for significant parts of the day which, at different times, would affect its front, side and back windows. The combined shading patterns would almost cover the whole house and its gardens.
19. I have no doubt that the occupiers of the house on Plot 4 would suffer an adverse and oppressive impact on their living conditions from the proximity of the retained trees. This could include fear in windy conditions, particularly as twelve trees were lost as a result of the 2007 storm. While purchasers would have, no doubt, a choice of which house to buy, they might not appreciate at the time of purchase the overshadowing that they would suffer, for example if the house was bought when the trees were not in full leaf, or the apprehension that could arise from living close to high trees. The resultant poor standard of amenity for the occupiers could lead to pressure from them for felling or cutting back the retained trees in order to reduce their impact. Once the houses were built, such pressure would be much more difficult to resist.

Overall Conclusion on Trees

20. In views of the redeveloped site from a distance, from higher land on Derby Road, about 1km to the south, the ridge lines of the new houses would be below the top of the tree canopy. In addition, the top of the canopy is below the skyline, such that the trees have less prominence than if they formed the skyline. In summer, the new houses would be barely seen behind the retained trees from a distance and, although they would be more visible in the winter, they would be houses within a residential area of a town. The loss of trees from the site would be apparent if one could compare 'before and after' pictures but, other than that, the retention of the boundary trees would ensure that any harm to distant views would be limited.
21. However, as I have concluded above, the removal of much of the substantial tree cover from the south west side of the site would cause significant harm to the amenity value of the belt of trees and thereby to the character and the appearance of the area in views from nearby, in conflict with a number of saved local plan policies. Moreover, the harm to the character and the appearance of the area could be exacerbated by pressure from future occupiers to cut back the retained trees, particularly those near Plot 4.

Additional Tree Planting

22. There is limited space suggested for additional tree planting on the site boundaries, while those trees indicated for the front gardens of the new houses would be relatively small ornamental specimens. The additional planting suggested would do little to compensate for the tree losses from the most prominent side of the site.

Overall Conclusion

23. The site is in a sustainable location close to the town centre and it includes a large area of unused land. There would be economic, social and environmental benefits from bringing the site back into use by the provision of four houses. However, such benefits would be at the expense of a substantial level of harm to trees protected by a TPO, that would detract unacceptably from the character and appearance of the area. While policies of the local plan, including SF1 and H1, effectively seek housing development within settlement framework boundaries, they also aim to protect or enhance/respect the character and appearance of the settlement. In this case, the harm to amenity from the proposal leads me to conclude that the development would be in conflict with the development plan and that permission should be refused.
24. I have considered all other matters raised, including the suggested conditions, but they do not outweigh the factors that have led me to my conclusion.

K G Smith

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M Hubbard
Mr R A Jones
Mr A Mackley
Mr N Smith

Antony Aspbury Associates Ltd
RJ Tree Services Ltd
Vista Architecture and Urban Design
Swan Homes (Ashbourne) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr W Shaw
Mrs S Gray

DDDC Senior Planning Officer
DDDC Arboriculturist

DOCUMENTS submitted after the opening of the Hearing

- 1 Layout plan for 2008 appeal
- 2 Schedule of conditions
- 3 Hearing notification dated 15 November 2013 and newspaper advertisement of 27 February 2013 of submitted application
- 4 Letter from A and B Williams to N Smith with attached copy letter to Mrs S Gray.