04 August 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 12 August at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS  The Committee is advised a coach will leave the ASHBOURNE ELIM PENTECOSTAL CHURCH at 3.00pm prompt - MEMBERS PLEASE ASSEMBLE IN THE FOYER. 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

   08 July 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 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. 14/00233/FUL (Site Visit)
Conversion and alteration of outbuildings to form ancillary accommodation to existing dwelling house at Riddings Farm, Hays Lane, Kirk Ireton

4.2 APPLICATION NO. 14/00351/FUL (Site Visit)
Single storey extension at Stoneycroft Manor, Main Street, Kniveton

4.3 APPLICATION NO. 14/00138/FUL (Site Visit)
Erection of 5 dwellings at Town End Farm, Clifton

5. TREES PROGRESS REPORT – DDDC APPLICATIONS
To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.

6. 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 Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Cate Hunt, Angus Jenkins, Tony Millward (Chairman), Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Geoff Stevens MBE.

SITE VISITS

Members will leave the ASHBOURNE ELIM PENTECOSTAL CHURCH at 3.00pm prompt for the following site visit. NB: MEMBERS TO ASSEMBLE IN THE FOYER.

3.20pm Application No. 14/00233/FUL

THE RIDDINGS FARM, HAYS LANE, KIRK IRETON

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

3.50pm Application No. 14/00351/FUL

STONEYCROFT MANOR, MAIN STREET, KNIVETON

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

4.30pm Application No. 14/00138/FUL

TOWN END FARM, CLIFTON

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

5.00pm Return

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.
CONVERSION AND ALTERATION OF OUTBUILDINGS TO FORM ANCILLARY ACCOMMODATION TO EXISTING DWELLINGHOUSE AT THE RIDDINGS FARM, HAYS LANE, KIRK IRETON FOR MR. M. HELME

Parish Council: Kirk Ireton Date of receipt: 08.04.14
Application type: Full Case Officer: Mr C. Whitmore

THE SITE AND SURROUNDINGS:
The Riddings Farm comprises a stone built farmhouse and a series of former agricultural storage buildings, which sit in open countryside to the east of Carsington Reservoir. The main farmhouse has been previously extended and sits to the south of a series of single and two-storey, stone built former agricultural storage buildings of traditional appearance. The land falls in a southerly direction. An access track from Hays Lane runs along the eastern side of the buildings towards an area of hardstanding. A separate area of hardstanding is located to the north of the building group. A stairwell leading up to the access road sits between the main farmhouse and outbuildings. The site is contained within the landscape and well screened by trees and hedgerow. The second floor of the largest outbuilding was converted to a granny flat in the 1980s.

THE APPLICATION:
Planning permission is sought to convert the single storey building to the rear (west) of the larger two storey barn, which was used as a milking parlour and the adjoining stables to what is described as ancillary living accommodation to the existing dwellinghouse. The accommodation will comprise an office, kitchen, bathroom, three bedrooms, summer room, bar and 2 no. WCs. It will be attached to the main dwellinghouse by a link with glazed walls and a tiled dual pitched roof. The link will project off an existing single storey gable and will be 2.4m long by 2.9m deep. The conversion is achieved with minor alterations to the outbuildings. Existing window and door openings will be re-used.

RELEVANT HISTORY:
10/00416/FUL Single / two storey extensions and alterations Granted
WED/0584/0326 Conversion of outbuilding as a granny flat Granted
WED/0483/0292 Conversion of grain store to holiday flat Refused
WED/0779/0455 Change of use from milking parlour to craft workshop Granted

CONSULTATIONS:
Local Highway Authority:
No objections providing extensions / conversions form ancillary living accommodation for the main dwelling.

Parish Council:
Object. Feel the development is much too large and would change the character of the existing buildings totally.

REPRESENTATIONS:
None.

POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4 Development In The Countryside
   SF5 Design And Appearance of Development
ISSUES:
1. The main issues to assess in the consideration of this particular application are the acceptability of the change of use of the former milking parlour and stables to ancillary domestic use and the impact of the development on the character and appearance of the existing buildings and their surroundings.

2. The NPPF states at Paragraphs 11 and 196 that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such, regard has to be given to the saved Local Plan Policies where they are not in conflict with the NPPF.

3. Policy SF4 of the Adopted Local Plan (2005) aligns with national guidance and advises that development will only be permitted in the countryside if it meets the following criteria:
   
a) it is required to serve the essential requirements of agriculture, forestry and outdoor sport or recreation; or
b) it assists the growth of tourism; or
c) it forms part of a farm-based diversification scheme; or
d) it represents the acceptable re-use, adaption or extension of an existing rural building; or
e) provides for other needs which can only be met in a rural area.

4. Although the outbuildings will accommodate a home office with associated kitchen, the applicant contends that the commercial use would not be of a scale that would trigger a change of use. The application submitted is for householder development.
The outbuildings would have originally served an agricultural function, although it would appear that over recent years they have been used for ancillary storage purposes in association with the main dwellinghouse. The internal layout and physical attributes of the building and the level of accommodation created is such that the development could be construed as a separate unit of residential accommodation. A new glazed link will, however, provide access through to the main dwelling.

5. Policy H5 deals with the conversion and re-use of buildings to provide residential accommodation outside settlement frameworks and is only supportive of such development where the building or buildings make a positive contribution to the character and appearance of their surroundings, can be converted without extensive alteration, extension or rebuilding and, amongst other considerations, are no more suited to employment or tourism use.

6. The application seeks to use the buildings for ancillary residential use. The applicant contends that the residential use of the site will be unaffected by the development and conditions restricting the use of the building could be imposed to prevent occupation of the outbuilding as an independent dwelling. The conversion would be achieved with minimal alterations to the buildings, preserving their character and appearance and the setting of the farm group, and in this respect would satisfy the provisions of Policy H5.

7. Whilst a link between a farmhouse and its associated farm buildings can have an adverse impact on the character and appearance and setting of a group of farm buildings, the topography of the site, pattern of buildings and the position and size of the link is such that the character and appearance of the farm group would not be adversely affected by the proposed development in this case.

8. In summary it is considered that the proposed development would, subject to conditions, satisfy the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework. A recommendation of approval is put forward on this basis.

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

1. ST02a: Time Limit on Full.

2. The additional accommodation created shall only be occupied in connection with and used for purposes that are incidental to the enjoyment of the main dwelling at The Riddings Farm. The accommodation shall not at any time be occupied as an independent dwelling or separated from the ownership or curtilage of the main dwelling.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the outbuildings to be converted to ancillary accommodation without the prior written approval of the Local Planning Authority upon an application submitted to it.

4. Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.

5. All window and door frames shall be recessed in their openings a minimum of 100mm behind the front face of the external walls of the buildings.

6. All gutters, downpipes and other external plumbing shall be constructed in metal with a black painted finish and so retained thereafter 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 for the avoidance of doubt as the application is for householder development and use of the outbuildings as an unrestricted independent dwelling would be unsustainable and contrary to the aims of Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

3. To preserve the character and appearance of the outbuildings and their surroundings in accordance with the aims of Policies SF5 and H5 of the Adopted Derbyshire Dales Local Plan (2005), guidance contained within ‘The Conversion of Farm Buildings Design Guidance’ Supplementary Planning Document (Adopted November 2005) and guidance contained within the National Planning Policy Framework (2012).

4-6. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF5 and H5 of the Adopted Derbyshire Dales Local Plan (2005), guidance contained within ‘The Conversion of Farm Buildings Design Guidance’ Supplementary Planning Document (Adopted November 2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. NFA20 Conditions Precedent… Condition 4.

3. NFA21 Conditions Fee Discharge.

This Decision Notice relates to the following documents:
1:500 Scale Block Plan numbered P-001;
Supporting Design and Access Statement;
1:100 Scale Existing Ground, First and Second Floor Layout Plans numbered P103, P104 and P105;
1:100 Scale Proposed Ground, First and Second Floor Layout Plans numbered P203, P204 and P205;
1:100 Scale Existing Elevations and Roof Plans numbered E100, E101 and P106;
1:100 Scale Proposed Elevations and Roof Plans numbered E200, E201 and P206;
received by the District Council on the 6th May 2014.
THE SITE AND SURROUNDINGS:
The application concerns Stoneycroft Manor, a large two and a half storey detached residential dwelling located within the centre of Kniveton Village, off Main Street. The building is situated within Kniveton Conservation Area. It is constructed from split coursed limestone and features decorative barge board detailing to its many gables, gritstone quoins and dressings and a number of chimney breasts and stacks. The dwelling stands in extensive grounds and abuts directly onto the road frontage. At the rear and slightly to one side are two very large mature trees (a Beech and Lime) of high amenity value, which occupy a prominent position in the landscape. A primarily glazed lean to extension projects beyond the west (side) facing elevation of the original dwellinghouse. Beyond this modern extension to the west are a series of outbuildings which have been converted to dwellings and are in separate ownership.

THE APPLICATION:
Planning permission is sought to replace the existing lean to and to erect a large single storey side / rear extension. The extension would be built in a contrasting style to the existing dwellinghouse, although will be faced in materials to match. It will have three distinct sections, a kitchen at the northern end which will have a square shaped footprint, a central dining section which will feature a curved outer wall and a larger garden room, WC and log store at its southern end which would have a rectangular footprint. The extension would project at its extremities 5.2m from the side wall of the original dwellinghouse. It will be 16.5m long, projecting 8.5m into the rear garden. The extension would be covered over by a tiled parapet roof and a central glazed lantern. The walls of the garden room will be mainly glazed. The curved wall to the dining room will also be mainly glazed and will comprise the main access via a series of steps into the extension.

In addressing the design the applicant states in their heritage statement that the new extension has been carefully designed to reflect both the character of the existing building whilst at the same time introducing a contemporary language.

The extension would sit within close proximity of the mature Beech tree. Special measures for protecting the roots are proposed. The applicant intends to use an augured steel pile and steel ground beam arrangement.

RELEVANT HISTORY:
None.

CONSULTATIONS:
Local Highway Authority:
No objections.

Parish Council:
No objections.
Conservation Advisory Forum:
- Members objected to the scheme
- The extension in its totality was considered to be over decorative and ‘fussy’ and not in keeping with the character and appearance of the host building.

- Members considered that whilst only a limited extent of the overall extension will be directly on view within the Conservation Area, the scheme had been designed to be viewed from inside the site, back towards the road. There was a discussion about the odd configuration/alignment/relationship of the proposed extension to the adjacent property/boundary wall. However, whilst the extension was considered to have a strong axially, the roof to the visible elevation (forming part of the pavilion space), has been ‘sliced off’ where it abuts the principal building which presents an odd configuration.
- It was suggested that it may be preferable to ‘split’ the extension into two distinct and separate elements - an extension to the house and a ‘pavilion’ room, the latter could then be detached and a better roof configuration could be sought.
- Due to the local topography, it was queried, whether this extension can be seen from other vantage points in the Conservation Area.
- It was also queried whether any flues/chimneys were required for the proposed aga/burner.

REPRESENTATIONS:
None.

POLICIES:
- Adopted Derbyshire Dales Local Plan (2005)
  SF4 Development within the Countryside
  SF5 Design and Appearance of Development
  H2 Extensions to Dwellings
  NBE6 Trees and Woodland
  NBE21 Development Affecting a Conservation Area

- Derbyshire Dales Local Plan Submission Draft (May 2014)
  Development Management Policy 2 – Development in the Countryside
  Development Management Policy 6 – Landscape Character
  Development Management Policy 8 – The Historic Environment
  Development Management Policy 9 – Design and Appearance of Development

Other:
- National Planning Practice Guidance (2014)

ISSUES:
1. The main issues to consider in respect of this application are whether the extension would a) have a detrimental impact on the character and appearance of the existing building and its surroundings, b) preserve or enhance the character and appearance of this part of Kniveton Conservation Area and c) have an adverse impact on the mature Beech Tree. The siting of the extension and its relative height is such that it
would not overshadow or appear overbearing when appreciated from the residential properties to the west. There would be no resultant loss of privacy.

2. Policy SF5 of the Adopted Local Plan aligns with guidance contained within the National Planning Policy Framework in respect of design and requires development to preserve or enhance the quality and distinctiveness of its surroundings and to reinforce the sense of place engendered by the presence of distinctive local building styles and materials. The application property is located within Kniveton Conservation Area; a designated heritage asset. Policy NBE21 ‘Development Affecting a Conservation Area’ aligns with guidance contained at Part 12 of the National Planning Policy Framework (NPPF) and requires development to either preserve or enhance the character and appearance of a Conservation Area.

3. The existing dwellinghouse is traditional in form and appearance. Although the proposed extension would read as a later phase of build, being built in a contrasting style its shallow roof pitch, hipped roof detail, shallow gablet and tri-partite window and proportions would be totally at odds with the principal building. It is considered that the proposed extension would read as an odd and incongruous addition to the application property and, as a consequence, would be detrimental to its character and appearance. This odd relationship would also be seen from Main Street, in the gap between the host building and the converted outbuildings to the west, and would neither preserve nor enhance this part of Kniveton Conservation Area; a requirement of Policy NBE21 of the Adopted Derbyshire Dales Local Plan (2005).

4. Also of concern is the impact of the proposed extension on the mature Beech Tree to the south west. The extension would sit within 5.5 metres of the trunk of this mature tree which requires a Root Protection Area with a radius of at least 15 metres. Therefore, even with specialist engineered foundations, there is the potential for considerable root disturbance as the proposed structure extends 9.5 metres into the Root Protection Area for the Beech tree. Furthermore, there are concerns that the proposed extension would generate further pressure for the pruning of the Beech and Lime trees when only a few months ago the Beech tree was reduced back from Stoneycroft Manor and the neighbouring property due to concerns about the proximity of the tree to these structures. In this case, the proposal would introduce a substantial structure with extensive glazing both on the side elevations and roof within only 5.5 metres of the trunk of the Beech tree and well within its canopy spread. The Beech tree would not only extensively shade the structure, but could also cause significant problems with leaf, mast and twig litter, along with the deposition of sap. With the footprint of the garden room being well beneath the canopy of the Beech tree, the proposals would generate additional fears relating to the possibility of branches breaking and hitting the extensively glazed elevations and roof. For the above reasons there are concerns that the proposed extension could not only affect the future health and lifespan of the trees, but also lead to pressure for extensive pruning of trees which occupy a prominent position within the conservation area and therefore have considerable merit as a public visual amenity.

5. For the reasons set out above it is recommended that the application be refused.
OFFICER RECOMMENDATION:
That Planning permission be refused for the following reasons:-

1. The proposed extension would by reason of its siting and design appear as an incongruous addition to the existing dwellinghouse harmful to its character and appearance and the character and appearance of this part of Kniveton Conservation Area contrary to the aims of policies SF4, SF5, H2 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 2, 8 and 9 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).

2. The proximity of the proposed extension to a mature Beech tree, of high amenity value, is such that its construction could result in considerable disturbance to the roots of this tree to the detriment of its health and lifespan. In addition there is likely to be an increase in pressure for extensive pruning that would further harm the health and appearance of the tree to the detriment of the character and appearance of this part of Kniveton Conservation Area. This harm would not be outweighed by the proposed development and, as such, would contrary to Policies NBE6 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 6 and 8 of the Derbyshire Dales Local Plan Submission Draft (May 2014) and guidance contained within the National Planning Policy Framework (2012).

Footnote:

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

This Decision Notice relates to the following documents:
1:1250 and 1:100 Scale Site Location, Proposed Floor Layout and Proposed Elevations Plan numbered 2152-11;
1:100 Scale Floor Layout Plan ‘As Existing’ numbered 2152-01;
1:100 Scale Elevations Plan ‘As Existing’ numbered 2152-02;
1:50 Scale Proposed Elevations and Floor Layout plan numbered 2152-10;
1:100 Scale Block Plan Showing Details of the Foundations numbered 2152-12;
Document Titled ‘Heritage Statement’ received by the District Council on the 19th May 2014.
THE SITE AND SURROUNDINGS:
The application concerns a 0.6 hectare parcel of land at Town End Farm at the southern end of Clifton village. The site is bordered by housing to the north and east, with the latter across Chapel Lane. To the south is the village cemetery and to the west is rising agricultural land and Clifton Cricket Club. Fencing, some hedges and trees enclose the site boundaries. Access is currently via a gated short surfaced driveway leading to a yard area with brick and timber buildings set out in a terraced arrangement. There is a freestanding brick and tile barn building with a single storey projecting outshot on the opposite side of the yard. A number of other rudimentary outbuildings are located within the site which, for the most part is covered in rough grassland. The site includes a semi-detached dwelling fronting Chapel Lane and an open watercourse borders the gardens of dwellings to the east of the lane. The sites eastern boundary to the lane is a short steep bank with hedgerow along which are trees covered by Tree Preservation Order 8 – Trees at Clifton village.

The premises are stated to be no longer used for agricultural purposes.

THE APPLICATION:
Full planning permission is sought for the erection of 3no individually designed detached dwellings, two with detached garages and a pair of semi-detached ‘community houses’. The existing access, terrace of buildings and freestanding brick and tile building are to be retained, as well as the semi-detached dwelling fronting the lane. The proposed community houses will be accessed by short driveways from the lane. They will be two-storey, three bedroom units, with front door canopies and rear patio doors. Solar panels will be on the rear roofslopes and long narrow rear gardens will lead to a twin garage.

The three open market houses will have a shared driveway which cuts through the bank and runs from the lane past the side elevation of the southern community dwelling. The first dwelling (Plot 3) will be a 4 bedroom, two-storey property orientated to face the shared driveway. It will have a central, two-storey projecting bay entrance feature with full glazing rising up to beyond eaves level, stopping a little short of its apex roof.

Twin windows will be on either side of the bay projection at ground and first floor level, a lean-to projection and a full height projection chimney will be along the opposite side elevations. The rear elevation will have twin two-storey gable projections with a central covered enclosure. The main roof will have solar panels on this elevation. A large double garage will be in the proposed rear garden, at the end of the dwellings driveway.

The dwelling occupying plot 4 will be to the west of the retained farm buildings and to the rear of the community dwellings. It will be a two-storey ‘L’ shaped property with design elements that include a full height chimney projection, entrance canopy, roof lights, solar panels and it will also have a detached double garage.

Turning now to plot 5, this will be the largest of the open market dwellings. A central two-storey structure will have lower projections on each side linking to further accommodation
which extends some distance into the dwellings rear garden. This four-bedroom house will have a feature glazed entrance porch, projecting gables, large attached garage, long folding glazed doors to rear elevation, chimney, rooflights and solar panels.

Foul sewage disposal is to be via the mains.

The application is accompanied by a Design and Access Statement which explains the sites characteristics and sets out the context for the proposed development. The dwellings are stated to be ‘PassivHaus’ homes potentially being the first buildings of this type in the East Midlands, which have an ultra-low energy approach in their construction. Designed to run at a constant 17°C temperature, the energy required is kept to an absolute minimum, regardless of what source it comes from. The statement advises that the semi-detached houses are to be closely designed, sold and managed by the applicant, local community and parish council to provide an element of affordable homes for local people in the future. They are targeted to meet a specific need within the village.

Reference is made to the planning policies that are considered to be relevant, in particular the National Planning Policy Framework (2012). Whilst Clifton is proposed to have a ‘Settlement Framework Boundary’ in the emerging local plan, the application site, which was promoted by Clifton Parish Council, is not included. If the proposed Settlement Framework is extended, as required, then residential development should proceed in accordance with the National Planning Policy Framework and the community’s wishes subject to there being no significant harm caused to the intrinsic character and beauty of the countryside. The statement refers to recent application and appeal cases where residential development has been accepted outside of Settlement Framework Boundaries which indicate Adopted Local Plan Policies SF4 and H4 are not consistent with the National Planning Policy.

The statement goes on to refer to ‘Design Criteria’ and sets out how the proposals have sought to satisfy considerations, such as landscape impact, housing mix and density, effect on protected species, archaeology, highway safety, trees, amenity of neighbours etc. The ‘Clifton Village Plan’ is cited as arguing the case for limited new housing at the southern end of the village. Hence, whilst the District Council’s proposed Settlement Framework Boundary aims to enable the village to enhance its community in a sustainable manner, by omitting the application site the Council are not reflecting the needs of the local community and are not supporting the principles of the Governments Localism Act. The proposals will provide housing for local people whilst at the same time strengthen the currently weak urban southern edge of the village.

With regard to the ‘Community’ housing the applicant intends to retain the freehold of the site and does not intend to use a registered social landlord to deliver and manage the property. The intention is to establish a community, housing accord with the Clifton Parish Council embodying the spirit of the Localism Act. (An example of a similar completed project at ‘Lancaster Co-Housing’ is referred to).

Other supporting documents include a Flood Risk Assessment, a tree survey and tree protection plan scheme and an Extended Phase 1 Habitat Survey. A letter of support from the Parish Council and a local resident are appended to the Design and Access statement.

Finally, during the consideration of this application amended plans/further details have been submitted with respect to the site layout, site sections and elevations, updated flood risk assessment and tree information.
RELEVANT HISTORY:
None

CONSULTATIONS:
Local Highway Authority
The application site is served off Chapel Lane, an unclassified public road subject to a 30mph speed limit. The lane’s limited width and there only being two dwellings and the cemetery to the south of the site before the road ends means that passing vehicle speeds are low. A sufficient level of off-street parking is proposed for each dwelling and suitable visibility splays can be achieved when vehicles are emerging from the properties onto Chapel Lane. Hence, the Highway Authority has no objections to the proposals subject to conditions being imposed, in the interest of highway safety, that deal with the construction phase layout of the site; design of new vehicular access and visibility splay requirements; provision of parking and manoeuvring areas, and confirmation that the proposed access road will remain private and not adopted at public expense. (Advisory notes are also provided for the applicants attention).

Parish Council
After requesting further time to respond and additional time to carry out a village survey/meeting to discuss the proposed development, Clifton Parish Council has responded as follows: The proposed development presents a new approach to developing land in a small village. The applicant is keen to work with the Parish Council to understand the needs of the community. Following a series of meetings, the applicant has demonstrated her understanding of the need for affordable community homes as detailed in the Clifton Village Plan, which was put together following questionnaires and open meetings with Clifton residents. The scheme largely supports the views on ‘Housing and Development’ within that plan, and is supported by a substantial majority of Clifton residents. The site was one of two, identified by parishioners and put forward in the consultation process for the emerging Derbyshire Dales Local Plan, for future development and inclusion within the (proposed) Settlement Framework for the village.

There is no doubt that the development will provide low cost and energy efficient housing, which satisfies the identified needs of the village and also exceeds the national guidelines for energy conservation.

The Parish Council have no objections to this application.

Head of Housing
This scheme is not supported by the Community Housing Team at Derbyshire Dales District Council. We have particular concerns that the homes will not be owned and managed by a housing association and there is no evidence of affordable housing need to support the application or that the proposed three bedroomed homes would meet any potential need.

The applicant has not provided information on what the mechanism would be for ensuring that the homes remain affordable and for local people now and in the future, including how the homes would be managed, rent levels set, or homes allocated. There is no indication of what form of agreement or legal structure, if any, is proposed between the applicant, the community and parish council.
The Community Housing Team also has concerns about the lack of identified affordable housing need. There is no housing need survey currently in place which shows an identified affordable housing need, and also no evidence that this scheme would meet local need if there is any.

Natural England
The proposed development is unlikely to affect any statutorily protected sites or landscapes. We have not assessed the submitted proposals for impacts on protected species as our standing advice may be used to assist in deciding if there is a ‘reasonable likelihood’ of protected species being present, and for an assessment to be made for the need for surveys and mitigation strategy. This advice is a material consideration but should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS), being unaffected, if present on site. It should also not be interpreted as meaning that Natural England has reached any views as to whether an ‘EPS’ license may be granted.

Should the site be on any ‘local site’ eg a Local Wildlife site, regionally important geological/geomorphological site (RIGS) or Local Nature Reserve (LNR), the Local Planning Authority should ensure it has suitable information to understand the impact of the proposal on the ‘Local Site’ before the application is determined.

Finally, Natural England advise that opportunities for Biodiversity and Landscape Enhancements should be incorporated into the development.

Derbyshire Wildlife Trust (DWT)
Derbyshire Wildlife Trust have checked the site against their data sets and have considered the submitted Extended Phase 1 Survey report dated January 2014. The Trust is not aware of any nature conservation interest on or adjacent to the site. Although the survey was carried out on the 10th January 2014, during the sub-optimal time of year, a site visit on 15th May 2014 by the Trust to inform this response concluded that the site to be of limited nature conservation value, not supporting any habitats of substantive nature conservation value. It is noted that the ecology report recommends further survey work in respect to bats and reptiles. These surveys and results would need to be provided to inform the determination process. However, from the site visit, the Trust advise that there is little reasonable likelihood of bats or reptiles being present and affected by the proposed development. As such, it is considered that no further surveys are required provided that measures are secured by planning conditions which dealt with the following. Firstly, adequate and appropriate new hedgerow and tree planting should be provided as part of an agreed landscaping plan to compensate for any tree and shrub loss, associated with the formation of the new access road. Also, as a precautionary measure, the spoil/manure heap, which has some potential for use by reptiles is removed between March to September to avoid the reptile hibernation period, and in the presence of a supervising ecologist. Any evidence of reptiles found should result in work being stopped until a mitigation strategy is submitted to and approved by the Local Planning Authority and be thereafter implemented.

The main ecological impact will be the removal of a section of hedgerow and trees to facilitate the new access road. Hedgerow removal and the farm building has potential to impact upon nesting birds.
In summary, it is concluded that the Local Planning Authority has sufficient information to reach an informed planning decision. There should be no net loss of hedgerow and new planting should incorporate disease resistant elm to compensate for the loss of elm which would be lost from the section of hedgerow being removed. (A condition to ensure that breeding birds are protected from harm is also advised).

Environment Agency (EA)

Environment Agency confirm that they have no objection to the proposed development subject to a planning condition being imposed relating to surface water drainage, as set out in their consultation response.

REPRESENTATIONS:

Two letters have been received from local residents and one from Clifton Cricket Club, their comments may be summarised as follows:

i. Living opposite this site, we believe that the scheme will enhance the southern end of the village, particularly with some affordable community housing being proposed.

ii. We have a young family and live in a large house which has high running costs. We are looking for other properties in the area but nothing suitable has been found. Ultimately, we will have to move away from the area unless a more affordable property becomes available.

iii. The proposed development would make it possible for us to remain in Clifton. The children could attend the school, the financial strain would decrease to a manageable level and we raise our children in the village we want to.

iv. Whilst I have no objections in principle to some form of development on this site. Plots 1 and 2 are considered appropriate but the other three gives me concern over their relationship with the road and Clifton Cricket Ground. Currently, as you travel towards the cricket ground, the right hand side of Chapel Lane is mainly a ribbon of nicely presented dwelling houses of appealing appearance. The proposed development includes three dwellings that are hideously oversize that would be hidden up a private access drive, with only the side elevation of plot 3 seen from the road. Contrary to what is being suggested, this will not enhance the area as from the road all you will see is a drive, side elevation of a large house and a garden fence.

v. I do not think any house should be built on plots 4 and 5 as the rear gardens of these houses are past the boundary line of the cricket pitch. It is felt that 2 or 3 houses facing the road with shorter rear gardens would be in line with the cricket boundary, and be more in keeping. In the plan, no mention is made about the ancient cricket club that is on ground adjoining the application site. No thought has been given to how much impact the cricket club activities have on the surrounding area, and on the proposed development should it go ahead. The club is also used by schools for county matches in the summer, drawing large crowds. In a typical week matches take place every Saturday and some Sundays, other Sundays host kids and women's cricket and there are practice nights 2 or 3 nights a week, dependant on weather. Sometimes, movements commence at 9.30am and do not finish until dark. On occasion, village activities also take place on the cricket ground.

vi. From April to September, as cricket ground activity increases, Chapel Lane is congested with roadside parking as the car park of the cricket ground is too small. The club has, in the past, tried to develop their ground to alleviate some of the parking issues but could not acquire the extra space they needed from the neighbouring landowner, who appears to be connected with the applicant for this
development. In not allowing the club to purchase any small part of the surrounding fields, improvements cannot be made to create a satisfactory, and safe, amenity. The only issue I and my neighbours have is the parking problems and the odd stray cricket ball.

vii. The applicant states that ‘they want to improve and enhance the area’. I consider that they should make a concession to the cricket club, which the proposed dwellings will neighbour, thus allowing the club to improve their facilities and the players would not need to try and retrieve cricket balls when they are knocked out of the under size playing area as currently happens. The playing wickets and nets could then be moved and avoid cricket balls affecting not only existing dwellings but also the new properties.

viii. I strongly consider that the application for five dwellings should not be considered until the applicant comes to a satisfactory agreement with the cricket club. If plot 4 is built as proposed, the occupiers will suffer cricket balls hitting their house during the cricket season. Should plots 4 and 5 not go ahead for the reasons put forward the concessions to the cricket club should still go ahead before any new houses are considered on this site. The applicant should come back with a plan with a lesser number of dwellings that do not encroach up the fields away from Chapel Lane.

ix. Clifton Cricket Club are not opposed in principle to the proposed development. However, we have concern over cricket balls being hit into the site and resulting in damage to property. At present, the club pays a huge amount of money to insure their current neighbours against damage, and would see any additional claims by new neighbours in the proposed development raising their premiums. In extreme cases we have seen cricket clubs being forced to bowl from one end to avoid damage to new developments. To avoid this arising, we would like to see some provision that either absolves the club from any damage caused during cricketing activities or adequate protection erected around the development to prevent damage occurring. This requirement should be applicable to new owners or any subsequent owners that move in.

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
NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
NBE6: Trees And Woodlands
NBE7: Features Important In The Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of new Development
TR8: Parking Requirements For New Development

2. Derbyshire Dales Local Plan Submission Draft (May 2014)
Strategic Policy 1 – Sustainable Development Principles
Strategic Policy 2 – Settlement Hierarchy
Strategic Policy 3 – Protecting and Enhancing the Natural and Historic Environment
Strategic Policy 8 – Strategic Housing Development
Strategic Policy 9 – Climate Change
Development Management Policy 2 – Development in the Countryside
Development Management Policy 6 – Landscape Character
Development Management Policy 7 – Biodiversity and Geological Interests
Development Management Policy 9 – Design and Appearance Of Development
Development Management Policy 16 – Land For New Residential Development
Development Management Policy 17 – Affordable Housing
Development Management Policy 22 – Access and Parking

Other
ii. Affordable Housing – Derbyshire Dales District Council Supplementary Planning Document (Adopted July 2006)

ISSUES:
1. Background
Before going into a detailed analysis of the proposed development, it is considered appropriate to provide some background information on this particular application.

During the earlier consultation process on the Council’s emerging Local Plan, this site was put forward by / on behalf of the owner to be included within the proposed Settlement Framework Boundary for Clifton village and/or allocated for housing development. However, after due consideration the District Councils Local Plan Advisory Committee (LPAC) resolved at its meeting on 20th November 2012 not to include the site in the proposed Settlement Framework Boundary as it failed to meet site selection criteria. On the 28th November 2012, LPAC considered whether the site should be allocated for housing and resolved that as the site was not adjacent to a settlement that the District Council was seeking to bring forward to meeting its housing requirements, it was inappropriate to allocate if for housing development. Notwithstanding this, although open market housing development on this site would be contrary to both the adopted and emerging Derbyshire Dales Local Plan, affordable housing, as an exception to the normally restrictive policies in locations such as this, may be supported, subject to relevant policy considerations be satisfied.

2. The main issues to consider in respect to this particular application are:
   i. Is the principle of the proposed development acceptable in this particular location
   ii. If so, would there be any adverse impact upon the character and appearance of the site and its surroundings
   iii. Highway access/safety
   iv. Flood Risk
   v. Protected species
   vi. Any other material considerations

As advised in the proceeding section the site does not fall within an existing or proposed Settlement Framework Boundary and, as such, falls to be considered as being in the countryside as defined in the Adopted Derbyshire Dales Local Plan (2005). Policy SF4 of the Adopted Derbyshire Dales Local Plan aims to restrict development in the countryside to that which is essential to such a location (no reference is made to housing development). Notwithstanding this, Policy H4 specifically deals with Housing
Development Outside Settlement Framework Boundaries and advises planning permission will be granted for housing that:

a. Is essential for the operation of agriculture, forestry or other rural enterprise that needs to be in that location, or

b. Consists of affordable housing for an identified local need

With three of the five proposed houses being for the ‘open market’, these dwellings result in the development being contrary to Policy H4. Notwithstanding this, the proposed ‘community’ dwellings if they are regarded as affordable housing, mean that the requirements of Adopted Local Plan Policy H13 become relevant. Policy H13 advises that as an exception to normal planning policies applying throughout the area, the Council will grant planning permission for affordable housing on sites that would not normally be released for housing development. This is provided that the housing would meet a genuine local need that would otherwise not be met, that arrangements are made to ensure the benefits remain in perpetuity for local people who cannot occupy houses generally available on the open market, the housing is of a size, type, occupancy, and cost suitable to meet identified local needs and the proposals satisfy other environmental and policy considerations. The submitted proposals claim that the dwellings will provide housing for local people and this may be the intention. However, the mechanism used by the District Council to ensure that affordable dwellings remain as affordable units in perpetuity is by them being managed/owned by a Registered Social Landlord (RSL), such as a rural housing association. This arrangement has led to the District council successfully delivering affordable housing throughout the Derbyshire Dales area. Notwithstanding this, the applicant does not wish to involve an RSL to deliver and manage the properties but intends to establish a Community Housing Accord with the Parish Council, embodying the spirit of the Localism Act.

Notwithstanding that the applicant seeks to establish this Community Housing Accord with the Parish Council, the application is not solely for affordable housing, and how the requirements of Adopted Local Plan Policy H13 would be complied with is not fully explained. At no point has the applicant set out a case for the 3no open market dwellings to merit their justification. Whilst new ‘PassivHaus’ homes may in principle be a welcome, ultra-low energy form of development, the location of the proposed development needs to be acceptable in the first instance. Further, taking into account the advice at Paragraph 63 of Part 7 of the National Planning Policy Framework, ‘Requiring Good Design’ the proposed dwellings are not considered to be ‘outstanding or so innovative’ such that great weight should be attached in their favour. The development is not considered in principle to be appropriate in this location.

3. Policy SF5 of the Adopted Derbyshire Dales Local Plan (2005) deals with Design and Appearance of Development’ and is considered to be in accordance with the guidance at Part 7 of the National Planning Policy Framework. Indeed the latter states that ‘Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy SF5 advises that planning permission will only be granted for development where the scale, density, massing, height, layout, access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Hence, had the development been considered acceptable in principle, the pair of community dwellings are considered to be of a scale and design that fit in with the mix of dwellings in this part of the village. However, the same cannot be said of the other three ‘open market’ dwellings which by reason of their size, siting and design are unsympathetic to the character,
appearance and sense of place, of this part of the village. The layout is considered to be bland, unimaginative and ill considered, with the access driveway/hard surfacing being the focal point on entering the site, rather than any architectural merit of the houses themselves. The rear gardens of the community dwellings will, to some extent, be overlooked by the upper floor windows of the dwelling proposed on plot 3, which has a curtilage of such a size that this clearly avoidable. Overall, the proposed development fails to satisfy criteria of Local Plan Policy H9 which deals with ‘Design and Appearance of New Housing’ or Policy SF5. The criteria of Policy H9 is required to be satisfied in tandem and whilst some criteria may be complied with that which deals with development having to be in ‘scale and character with its surroundings’ and ‘reasonable privacy for each dwelling’ is not. In relation to Policy SF5 the layout and design do not preserve the local sense of place and the architectural qualities of the scheme do not warrant departure from this objective.

In short, the proposed development is not only contrary to Adopted Local Plan Policies but also fails to meet the requirements of Part 7 of the National Planning Policy Framework.

4. The Highway Authority do not oppose the development subject to relevant conditions being imposed, flood risk is not a concern as confirmed by the Environment Agency and, subject to a precautionary approach when the development was undertaken, there should be no adverse impact on protected species. As such, the requirements of Local Plan Policies TR1 and NBE5 are satisfied as is the advice at Part 10 of the National Planning Policy Framework. ‘Meeting the Challenge of Climate Change, Flooding and Coastal Change.’ The loss of some hedgerow and a group of poor specimen trees to construct the access, could be compensated for in a detailed landscaping scheme, although this has not been included in the submitted proposals. The aboricultural survey points out that a couple of trees on the opposite side of Chapel Lane could be damaged during the development, unless they are crown lifted prior to development commencing. (It is not known whether the applicant could secure this). A Sycamore tree ‘T4’ shown as being retained would have its root protection area affected by the proposed site access and the associated changes in levels. Whilst this impact could lead to the trees removal, the tree is a category ‘C’ specimen which is classified as being of low quality and value. The dwelling on Plot 3 remains very close to the root protection area of one of three mature protected Sycamore trees ‘T14’. Should the development go ahead careful consideration would need to be given to temporary tree protection measures, and for the other two Sycamore. All these trees which would shade the dwelling and garden of plot 3. Details should also be provided of drainage and underground services.

5. The comments in respect to the sites proximity of the Cricket Club are noted. The proposed dwellings garden on plot 4 will border the cricket club’s ground boundary. It is to have large windows and glazed doors which, given that cricket balls are already hit beyond the clubs boundary, suggests that the application site (should the proposed developments be built) needs to incorporate some form of barrier to protect residents properties. This may involve high restraint netting or some alternative screening structure, which whether it was inside the ground or on the application site would have some degree of visual impact. It is the case that the submitted proposals pay no regard to the proximity of the longstanding cricket club and how the proposed housing will be affected.

The District Council cannot insist that the cricket club be afforded additional land to address existing constrains that impact on how the club has to operate. It is, however, appropriate that due regard is given to new development that is proposed close to the cricket ground and how it may be affected.
6. In conclusion, this site has previously been considered for inclusion in the emerging local plans proposed settlement boundary for Clifton and as a site for housing development. The Council’s LPAC rejected the site in both cases. The proposed dwellings are designed to be Passivhaus homes with ultra-low energy usage which is to be welcomed in principle. However, this does not outweigh the significant shortcomings of the design, appearance and layout of the overall development. ‘Community’ or affordable dwellings that would meet a genuine local need are to be welcomed. However, the mechanism to ensure how this will remain in perpetuity is not clear as the application merely states ‘The intention is to establish a Community Housing Accord’.

It is acknowledged that there may be local support for the proposed development. However, the proposed development is contrary to both Adopted Local Plan Policies and advice within the National Planning Policy Framework. A recommendation of refusal is therefore appropriate.

OFFICER RECOMMENDATION:
Planning permission be refused for the following reason(s): -

1. The proposed development will result in the creation of five dwelling houses in a location outside of any defined Settlement Framework Boundary, in the Adopted Derbyshire Dales Local Plan (2005). As such, the development would constitute an unwarranted and unsustainable encroachment into the countryside. In the absence of any overriding justification for the three open market houses, the proposal is contrary to Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).

2. The proposed development includes for the provision of two ‘Community’ houses to meet a stated specific need within the village. However, the provision of this housing is not supported by an appropriate local assessment of needs and no clear mechanism has been identified in the application to ensure the benefit of the dwellings will remain in perpetuity for local people in housing need. The absence of clear and robust mechanisms to both justify provision of the housing and retain the benefits of this housing for the community makes the proposals contrary to the aims of Policies SF4 and H13 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).

3. The proposed development by reason of its layout, design and the scale of the dwellings on plots 3, 4 and 5 would present a mix and design of housing that would be out of context and harmful to the prevailing local sense of place in this part of Clifton village. As such, the proposals are contrary to the aims of Policies SF4, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance 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.

2. This permission relates to the following documents:
   - Drawing no 1333-01 Location Plan
   - 1333-02C Proposed block plan
   - 1333-03 Existing site layout
   - 1333-04D proposed site layout (amended plan)
   - 1333-05A proposed house layouts plots 1, 2 and 3
   - 1333-06A proposed house layout plot 4 and garage
   - 1333-07B proposed house layout plot 5
   - 1333-08A proposed site sections and elevations (amended plan)
   - Design and Access statement by Channel Design Ltd
   - Phase 1 Ecology report (dated January 2014)
   - Arboricultural Implications Assessment and Preliminary Method Statement (Revised 08/04/14)
   - Flood Risk Assessment (amended version – received 03/04/14)
NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 12th AUGUST, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for July 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

<table>
<thead>
<tr>
<th>TPO NO.</th>
<th>ADDRESS/APPLICATION</th>
<th>DECISION/COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>107</td>
<td>46 PREMIER AVENUE, ASHBOURNE</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>CROWN LIFTING OF ASH</td>
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<tr>
<td></td>
<td>Reasons: Excessive shading</td>
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<tr>
<td></td>
<td>To grow organic vegetables</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Risk of dead branches falling</td>
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</tr>
<tr>
<td>107</td>
<td>2B WYASTON ROAD, ASHBOURNE</td>
<td>PENDING DECISION</td>
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<tr>
<td></td>
<td>FELLING OF ASH</td>
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<td></td>
<td>Reasons: Poor condition</td>
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<tr>
<td></td>
<td>Evidence of Inonotus hispidus</td>
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<tr>
<td>92</td>
<td>31 THE GREEN ROAD, ASHBOURNE</td>
<td>PENDING DECISION</td>
</tr>
<tr>
<td></td>
<td>PRUNING OF TREES</td>
<td></td>
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<tr>
<td></td>
<td>Reasons: To increase light to neighbouring garden</td>
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<td></td>
<td>One tree has a co-dominant stem with the potential to fail in the future</td>
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NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

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<th>DECISION/COMMENT</th>
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</thead>
<tbody>
<tr>
<td>ASHBOURNE</td>
<td>12 MALTHOUSE COURT, ASHBOURNE PRUNING OF CEDAR</td>
<td>NO OBJECTIONS</td>
</tr>
<tr>
<td></td>
<td>Reasons: To prevent damage to vehicles and building</td>
<td></td>
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<tr>
<td>BRASSINGTON</td>
<td>CLIFF COTTAGE, DALE END, BRASSINGTON FELLING OF TWO TREES</td>
<td>NO OBJECTIONS</td>
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<tr>
<td></td>
<td>Reasons: Grown to significant size</td>
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<td></td>
<td>Overhanging garage</td>
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<td></td>
<td>Obstructing light</td>
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<td></td>
<td>Restricting possibility of solar panels</td>
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<td></td>
<td>No amenity value</td>
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<tr>
<td>SNELSTON</td>
<td>THE FOLD, CHURCH LANE, SNELSTON</td>
<td>PENDING DECISION</td>
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<td>CONS. AREA</td>
<td>ADDRESS/PROPOSED WORKS</td>
<td>DECISION/COMMENT</td>
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<td></td>
<td>FELLING OF LONDON PLANE</td>
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<td>Reasons: Signs of distress</td>
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<td>Die back</td>
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<td>Decay</td>
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<td>Thinning of crown</td>
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<td>Shedding branches</td>
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<td></td>
<td>PRUNING OF SILVER BIRCH</td>
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<td>Reasons: Poorly pruned in the past</td>
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<td>Irregular growth</td>
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<td></td>
<td>FELLING OF CYPRESS TREES</td>
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<td></td>
<td>Reasons: Proximity to adjacent buildings</td>
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<tr>
<td></td>
<td>Unsuitable for longterm retention</td>
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<tr>
<td>SUDBURY</td>
<td>THE BOWLING GREEN, SUDBURY HALL, MAIN ROAD, SUDBURY</td>
<td>PENDING DECISION</td>
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<tr>
<td></td>
<td>FELLING OF CYPRESS TREES</td>
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<tr>
<td></td>
<td>PRUNING OF A WILLOW</td>
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<tr>
<td></td>
<td>Reasons: Overhanging the play area</td>
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<tr>
<td></td>
<td>Adjacent to climbing equipment</td>
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<tr>
<td>HOGNASTON</td>
<td>THE PLAY AREA, OLD BAKERY CLOSE, HOGNASTON</td>
<td>PENDING DECISION</td>
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<td></td>
<td>PRUNING OF A WILLOW</td>
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</table>

**OFFICER RECOMMENDATION:** That the report be noted.
## Planning Appeal - Progress Report

Report of the Corporate Director

<table>
<thead>
<tr>
<th>Reference</th>
<th>Site/Description</th>
<th>Type</th>
<th>Decision/Comment</th>
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<tbody>
<tr>
<td>ENF/13/00014</td>
<td>Hasker Farm Cottage, Harker Farm Stainsborough Lane, Callow</td>
<td>LI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00161/LBALT</td>
<td>Ednaston Home Farm, Brailsford</td>
<td>WR</td>
<td>Appeal dismissed – copy of decision letter attached</td>
</tr>
<tr>
<td>13/000797/FUL</td>
<td>Land between Bankside and Belle Vue Road, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of decision letter attached</td>
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<td>13/00889/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
<td>Appeal being processed</td>
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<tr>
<td>ENF/12/00093</td>
<td>Roston Inn, Mill Lane, Roston</td>
<td>WR</td>
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<td>13/00710/FUL</td>
<td>Bradley Pastures, Bradley</td>
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<tr>
<td>13/00689/CLEUD</td>
<td>Marston Lane, Doveridge</td>
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<td>13/00818/FUL</td>
<td>Bradley Nook Farm, Hulland Ward</td>
<td>WR</td>
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<td>13/00855/FUL</td>
<td>59-61 Belper Road, Ashbourne</td>
<td>WR</td>
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<tr>
<td>13/00911/OUT</td>
<td>Land at Old Derby Road, Ashbourne</td>
<td>LI</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

WR - Written Representations  
IH - Informal Hearing  
LI - Local Inquiry  
HH - Householder

**Officer Recommendation:**

That the report be noted.
The Planning Inspectorate

Appeal Decision

Site visit made on 1 April 2014

by Nicholas Taylor BA (Hons) MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2014

Appeal Ref: APP/P1045/E/13/2207685
Ednaston Home Farm, Brailsford, Ashbourne DE6 3AY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr S Derbyshire against the decision of Derbyshire Dales District Council.
- The application Ref 13/00161/LBALT, dated 7 March 2013, was refused by notice dated 1 May 2013.
- The works proposed are extension to form porch.

Decision

1. The appeal is allowed and listed building consent is granted for an extension to form a porch at Ednaston Home Farm, Brailsford, Ashbourne DE6 3AY in accordance with the terms of the application Ref 13/00161/LBALT dated 7 March 2013 and the plans submitted with it subject to the following conditions:

   1) The works hereby authorised shall begin not later than 3 years from the date of this consent.

   2) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

   3) The windows and doors included in the works hereby approved shall be of timber construction, given a painted finish within 28 days of installation and recessed in their openings behind the front face of the external walls of the building to match the windows and doors in the existing building.

   4) The verges included in the works hereby approved shall be given a plain mortared finish without the use of bargeboards and all rainwater goods shall be of black metal construction fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.

Preliminary Matter

2. Planning Practice Guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. I have considered the guidance but, given the nature of this proposal, it does not alter my conclusions in this case.

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Main Issues

3. The main issues in this case are whether the proposed works would a) preserve the special architectural and historic interest (or significance) of the curtilage outbuilding known as a 'granny flat' associated with Ednaston Home Farmhouse, a Grade II listed building, and b) preserve the setting of the Grade II listed building.

Reasons

4. The farmhouse is a large, early 19th Century two storey dwelling, with a symmetrical five bay north elevation facing the main A52 road. The appeal property as such, on which the porch would be added, is a small dwelling, described by the Council as a 'granny flat', which forms the end of one arm of a U-shaped range of former farm outbuildings alongside the farmhouse. The inner courtyard thus formed - the former farmyard - is currently given over to parking for the dwellings and the small commercial units which now occupy most of the outbuildings. The granny flat is, therefore, listed by virtue of being within the curtilage of the farmhouse. The granny flat is a modest, single storey structure, with a pitched roof. It is positioned to the side and set back a little from the rear of the farmhouse, with which it shares a large, slightly elevated back garden.

5. The proposed porch would be sited at the end of the rear, garden-facing side of the granny flat, nearest to the farmhouse. I accept that the relatively simple, predominantly linear, agrarian form and subservient scale and massing of the outbuildings and their spatial relationship with the farmhouse contribute to the significance of the listed building. However, the proposed porch would be itself a simple and modestly scaled structure, with a pitched roof forming a gable at right angles to, and somewhat lower than, the building's main roof. Although it would be an additional feature added to the building, it, together with the rear of the farmhouse, would be screened to some extent in views from the raised garden by the informal tree and shrub planting and the ground level.

6. The rear elevations of both the farmhouse and the granny flat are fairly plain but the porch's small gabled form would reflect the assorted gables on the rear of the farmhouse and the outbuildings. There are currently modern windows, which are more domestic than agrarian in character, in the rear elevations of both buildings and the porch's fenestration would not be out of character. Indeed, I noted on my site visit that the existing uPVC French widows would be replaced in more appropriate timber. Proposed materials would match the existing, low key palette. Consequently, the porch would not be an incongruous addition, thus preserving the special architectural and historic interest, and thereby significance, of the curtilage outbuilding.

7. The proposal would have a neutral effect on the rear elevation of the farmhouse and would not adversely affect its more notable front elevation or the historic layout or form of the building group or the courtyard. I conclude, therefore, having regard to the desirability of preserving the setting of the listed building, as required by the relevant Act¹, that the proposed works would be acceptable. It follows that there would also be no conflict with the National Planning Policy Framework, which states, at paragraph 132, that when considering the impact of a proposal on the significance of a designated

¹ Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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heritage asset, great weight should be given to its conservation. The Council does not refer to any adopted or emerging development plan policies. However, I have considered the proposal in the light of the Council’s adopted Supplementary Planning Document The Conversion of Farm Buildings Design Guidance and find no conflict with its objectives.

8. I have considered the Council’s suggested conditions in the light of national policy and guidance\(^2\) and for succinctness and clarity and have amended them accordingly where necessary. In addition to the usual commencement condition, it is necessary, in order to ensure that the significance of the curtilage building and listed building is preserved, to impose conditions concerning details of materials, windows and doors, roof verges and rainwater goods.

9. For all the reasons set out above, the appeal is allowed.

*Nicholas Taylor*

INSPECTOR

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\(^2\) The Framework paragraphs 203 and 206 and Planning Practice Guidance: Use of Planning Conditions

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The Planning Inspectorate

Appeal Decision

Site visit made on 2 July 2014

by I Radcliffe  BSc(Hons) MCIEH DMS
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2014

Appeal Ref: APP/P1045/A/14/2213994
Land between Bankside and Belle Vue Road, Ashbourne, Derbyshire (Easting 417480, Northing: 346491)
- 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 Steve Budlent against the decision of Derbyshire Dales District Council.
- The application Ref 13/00797/FUL, dated 8 November 2013, was refused by notice dated 7 January 2014.
- The development proposed is a new private dwelling house.

Decision
1. The appeal is dismissed.

Procedural matter
2. The development plan consists of the Derbyshire Dales Local Plan. The policies of the Local Plan referred to by the Council are in principle consistent with the National Planning Policy Framework (the Framework) and so, in accordance with paragraph 215 of the Framework, I have attached significant weight to them.

Main Issues
3. The main issues in this appeal are;
   - the effect of the proposal on the living conditions of the occupiers of Bankside with regard to outlook and sunlight, and whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private amenity space; and,
   - the effect of the proposed development on the character and appearance of the area, including trees and hedgerows.

Reasons
4. The appeal site is a plot of land in use as an allotment and is located towards the edge of Ashbourne. Although by virtue of its use the site does not constitute previously developed land it is located within the Settlement Framework Boundary of Ashbourne. As a consequence, it is suitable in principle for residential development.

Living conditions
   Outlook & sunlight

5. Bankside is a bungalow located to the rear of the appeal site. Its orientation means that its front elevation would face the rear of the proposed house across

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a low boundary hedge. Set approximately 1m from the front boundary of Bankside the proposed two storey house would extend across approximately 11.5m of the width of the bungalow’s front garden. Although set down into the site the proposed house to eaves level would still project approximately 3m in height above the nearest part of Bankside’s front garden. As a consequence, the proposed development would enclose and dominate the pleasant outlook from within a significant proportion of the private area of garden to the front of the bungalow. Owing to the upwards slope of the land towards the dwelling 11.5m away the height of the proposed house would reduce significantly to approximately 1.7m above ground level in front of the bungalow. However, as the living room to the bungalow would directly face the proposed house, and people predominantly sit down in living rooms, the outlook from within this main habitable room would also be unduly enclosed.

6. A lapsed planning permission was granted in 1989 for a detached chalet style house with the first floor contained within the roof space\(^1\). Whilst this building would have been taller than the proposed development in this appeal its elevation facing Bankside would have been far narrower and the house would have been set further away. As a consequence, it would have had far less of an adverse affect on outlook than the current proposal. The lapsed permission therefore does not alter my finding in relation to outlook.

7. In terms of sunlight, the front garden is south facing. As a consequence, the proposed development, especially in the colder months of the year when the sun is lower in the sky, would overshadow the front garden. However the degree of overshadowing would not be so significant as to demonstrably harm living conditions.

Amenity space provision

8. Unlike the lapsed permission, owing to the position of the proposed dwelling on the plot the house would have no rear garden. Furthermore, the space available to the sides of the house would be too small to form a usable area of amenity space. As a result, the sole amenity space for use by occupiers of the house would be the small front garden. Although of an acceptable size it would be overlooked by pedestrians and vehicles passing by along the road. I acknowledge that the appellant intends to live in the house and is comfortable with this arrangement. However, the house would form part of the housing stock of the District and the adequacy of amenity space provision for future occupants is a matter of public interest. As a two bedroom dwelling the proposed house is sufficiently large for a small family with children. The absence of private amenity space to the property would result in poorer living conditions than it is reasonable to expect for a family sized property.

9. Notwithstanding my favourable findings in relation to sunlight, this does not obviate the significant adverse affects in relation to outlook and amenity space provision. For the reasons given above, I conclude that the proposed development would unacceptably harm the living conditions of the occupiers of Bankside and future occupants of the proposed dwelling. This would be contrary to policy H9 of the Local Plan which amongst other matters seeks to prevent such harm. It would also be contrary to a core planning principle of the Framework.

\(^1\) Planning ref WED/1289/1073
Character and appearance

10. Belle Vue Road runs along high ground from the centre of Ashbourne towards the western edge of the town. The grain of development becomes gradually coarser in this direction, changing from closely spaced buildings near to the centre, to semi detached and then fully detached two storey houses next to the appeal site. A former hospital site next to the appeal site is in the process of being redeveloped for housing. However, it is set well back from the road. As a consequence, at this point heading out of town development close to the road is on the cusp of becoming more sporadic and the street scene is more verdant and open. The position of the proposed two storey house set well back within its plot and screened by mature trees on its eastern side would mean that it would complement this transition. In views when approaching in the opposite direction, the house, set down level with the road within its plot set between No 50 and Bankside, would not harm the transition into the town.

11. In relation to its plot, with gaps of approximately 2m and 4m separating the flanks of the house from the site boundary, the proposed dwelling would be comfortably set and in keeping with the spacing of houses closest to the road to the east.

12. Development along the road exhibits a variety of different architectural styles from different eras. The house would be brick built and would have a distinctly contemporary appearance with large areas of glazing, a low pitch single ply membrane roof and some external timber cladding. Subject to control by condition over the external materials used in the construction of the house, it would have an attractive high quality appearance that would complement the character and appearance of the area.

13. A horse chestnut tree, which is the subject of a tree preservation order, is located outside of the site near to its north eastern corner. Unlike a previous recent application the proposed house in this scheme would be located outside the root protection area of the tree. For this reason, and given that the tree would not overhang the house or overshadow the plot, the proposed development would not endanger the health or longevity of this tree. Along the rear of the appeal site is a hedge. It is an attractive feature that contributes to the setting of the plot. The house would be located very close to this hedge and the submitted arboricultural report identifies that its survival could be placed at risk by the development. Certain measures such as hand digging and root barriers to deflect root growth would minimise harm to the hedge. Furthermore, details of a landscaping scheme to include those hedgerows which are to be retained, along with a maintenance condition, would secure its replacement if it were to be damaged by the development. These matters could also be secured by condition.

14. An outline planning application for permission to erect a dwelling on the site was dismissed on appeal in 1996 due to the harm that would be caused to the character and appearance of the area. However, that appeal was decided in the context of a different development plan which placed the appeal site outside rather than within the development boundary for Ashbourne. In addition, in the absence of details demonstrating otherwise the Inspector was concerned that a dwelling on the site would result in long term harm to a neighbouring tree. As a result, this appeal decision is not directly comparable to the current appeal and has not altered my finding in relation to this issue.

2 Appeal ref T/APP/P1045/A/95/260151/P2
15. Taking all these matters into account, I therefore conclude that the proposed development would complement the character and appearance of the area and comply with policies SF1, SF5, H1, H9 and NBE7 of the Derbyshire Dales Local Plan. These policies require the protection of the character and appearance of a locality through high quality design that respects local design and landscape features.

Other matters

Housing land supply and sustainable development

16. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered to be up to date in situations where a local authority cannot demonstrate a 5 year housing land supply and that the presumption in favour of sustainable development should apply. In circumstances where relevant policies are out of date paragraph 14 of the Framework advises that planning permission should be granted unless the adverse impacts of doing so clearly outweigh the benefits when assessed against the policies in the Framework as a whole.

17. There is disagreement as to whether a 5 year housing land supply exists. However, the site is located within the Settlement Framework Boundary of Ashbourne. As a result, whether such a supply exists, and whether housing land supply policies are out of date or not, does not alter the fact that the appeal site in principle is suitable for residential development.

18. In relation to sustainability, the appeal site is in a sustainable location close to local amenities and public transport. In terms of construction standards, the house has been designed to Passivhaus principles and would be an ultra low energy building. With regard to design and the Framework, although the house would be attractive it would not be outstanding, or so innovative that in accordance with paragraph 63 great weight should be attached in favour of it.

19. New housing in helping to address housing need also has social benefits and new construction supports economic growth. However, the appeal scheme would unacceptably harm the living conditions of the occupiers of Bankside and future occupiers of the proposed house. This unacceptable harm would continue long after the economic benefits of constructing the development have faded. As a consequence, the scheme would not constitute sustainable development within the meaning of the Framework.

Highway safety

20. The highway authority has no objection to the proposal subject to the provision of 29.5m x 2.4m visibility splays to the site access at a point 1m out into the carriageway. I saw no reason why such splays could not be provided and I have no reason to disagree with those conclusions.

Overall Conclusions

21. Taking all these matters into account, the site is in a sustainable location and the development would be sustainably constructed and have social and economic benefits. There would also be no material harm to the character and appearance of the area or highway safety. However, I consider that any presumption in favour of development is significantly and demonstrably outweighed by the comprehensive harm the proposal would cause to living conditions.
22. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

**Ian Radcliffe**

Inspector