



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

1 September 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 9 September at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG.**

Yours sincerely

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

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **2.50pm 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

12 August 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.

Page No.

4.1	APPLICATION NO. 14/00447/FUL (Site Visit)	5 - 9
	Formation of flat roof to facilitate sun terrace at 42 Belle Vue Road, Ashbourne.	
4.2	APPLICATION NO. 13/00263/OUT (Site Visit)	10 - 20
	Erection of agricultural workers dwelling and associated access (outline) at Brook Farm, Atlow.	
4.3	APPLICATION NO. 14/00401/FUL (Site Visit)	21 - 26
	Erection of agricultural storage building at Netherfields, Mercaston.	
4.4	APPLICATION NO. 14/00415/FUL (Site Visit)	27 - 39
	Change of use of land to 8MW solar farm with associated infrastructure at Smith Hall Farm, Smith Hall Lane, Hulland Ward.	
4.5	APPLICATION NO. 14/00351/FUL	40 - 45
	Single storey extension at Stoneycroft Manor, Main Street, Kniveton.	
5.	APPEALS PROGRESS REPORT	46
	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, BEM (Chairman), Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Geoff Stevens, MBE.

Substitutes: Councillors Jacque Bevan, Sue Burfoot, David Burton, Bob Cartwright, Ann Elliott, Chris Furness, Neil Horton, Jean Monks, Andrew Lewer, Andrew Statham, Jacque Stevens, Barry Tipping, Philippa Tilbrook, Judith Twigg, Carol Walker, Jo Wild.

SITE VISITS

Members will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **2.50pm prompt** for the following site visit. **NB: MEMBERS TO ASSEMBLE IN THE FOYER.**

3.00pm Application No. 14/00447/FUL 5 - 9

42 BELLE VUE ROAD, ASHBOURNE

Requested by the Ward Members to enable members of the Planning Committee to fully appreciate the issues involved and consider the concerns raised by the Town Council.

3.30pm Application No. 13/00263/OUT 10 - 20

BROOK FARM, ATLOW

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

4.00pm Application No. 14/00401/FUL 21 - 26

NETHERFIELDS, MERCASTON

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

4.30pm Application No. 14/00415/FUL 27 - 39

SMITH HALL FARM, SMITH HALL LANE, HULLAND WARD

Requested by the Ward Member to enable members of the Planning Committee to assess the impact of the solar farm on its surroundings.

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.

14/00447/FUL

42 Belle Vue Road, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 29/08/2014

100019785

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

14/00447/FUL FORMATION OF FLAT ROOF TO FACILITATE SUN TERRACE AT 42 BELLE VUE ROAD, ASHBOURNE FOR M. GILBERT

Town Council: Ashbourne
Application type: Full

Date of receipt: 03.07.14
Case Officer: Mr C. Whitmore

THE SITE AND SURROUNDINGS:

No. 42 Belle Vue Road, formerly The Old Gaol is situated on the southern side of Belle Vue Road, within the centre of Ashbourne. The property, a detached red brick and tile dwellinghouse, sits at the northern end of Ashbourne Conservation Area. At the rear of the building is a high level wall, which sits beyond a conservatory with pyramidal roof and a courtyard area. The land slopes steeply in a southerly direction. To the east of the building, beyond an access drive which follows the route of Smith Yard and serves no's. 1 and 2 Queen Elizabeth Court to the south, are a series of two storey dwellinghouses. To the west of the site are a pair of larger bungalows.

THE APPLICATION:

Planning permission is sought to replace the existing conservatory roof, with a flat roof so that it can be used as a sun terrace. Modifications to a first floor window are required to create a door providing access to the sun terrace, which will be enclosed by a 0.9m high glass balustrade with stainless steel horizontals. The balustrade would project above the high level wall. The terrace would cover an area 5.5m wide by 5.2m deep.

RELEVANT HISTORY:

1187/0759	Alterations and extension to dwelling	Granted
-----------	---------------------------------------	---------

CONSULTATIONS:

Local Highway Authority:
No objections.

Town Council:

Object. Members feel that this is inappropriate for an old building, and raised concerns regarding the loss of privacy for the adjoining houses. They also feel it is not in-keeping with the design and appearance of the building.

REPRESENTATIONS:

An email has been received from a member of the public in which the following comments are made:

- I agree with the design and access statement and support the removal of the C20 Century roof.
- It is important the planned alterations are sympathetic to this buildings' appearance and the conservation areas character, even though it is unlisted.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1 Development within Settlement Framework Boundaries

SF5 Design and Appearance of Development

14/00447/FUL (Continued)

H2 Extensions to Dwellings
NBE21 Development Affecting a Conservation Area

Derbyshire Dales Local Plan Submission Draft (May 2014)

Development Management Policy 1 – Development within Settlement Framework Boundaries

Development Management Policy 8 – The Historic Environment

Development Management Policy 9 – Design and Appearance of Development

Other:

The National Planning Policy Framework (2012)

The National Planning Practice Guide (2014)

Ashbourne Conservation Area Appraisal (2008)

ISSUES:

1. The main issues to assess in the consideration of this application are the impact of the sun terrace, including the safety balustrade and modifications to the first floor window on the character and appearance of the existing building, the amenity of the occupants of neighbouring residential properties and this part of Ashbourne Conservation Area.
2. Policy SF5 of the Adopted Local Plan aligns with guidance contained within the National Planning Policy Framework in respect of design and requires development to preserve or enhance the quality and distinctiveness of its surroundings and to reinforce the sense of place engendered by the presence of distinctive local building styles and materials. Policy H2 of the Adopted Local Plan sets out the District Councils approach to dealing with extensions to existing dwellings. It states that planning permission will be granted for extensions that would not result in a detrimental impact on the character and appearance of a dwelling and its surroundings and does not result in a significant loss of privacy or amenity for residents of neighbouring properties.
3. The proposed sun terrace would be positioned at the southern end of the property. The submitted drawings show only the glass balustrade to be above the level of the existing wall. Notwithstanding this, there is likely to be other paraphernalia stored on the terrace, such as patio furniture etc. The application also proposes to modify an existing window opening to create a door. The Town Council have raised concern with regard to the cumulative impact of the development on the character and appearance of the existing building and its surroundings. The difference in levels, relative height of the existing boundary wall and density of the surrounding built environment is such that there would only be limited, mainly long distance views of the sun terrace. Whilst there will be some impact on the building it is not considered that this impact would be so harmful to its character and appearance that a recommendation of refusal would be merited in this case.

14/00447/FUL (Continued)

4. The building is located within Ashbourne 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. The terrace would be located at the southern end of the building and, as such, would not affect the continuous visual enclosure of development along the main road frontage, which is an important characteristic of the area. It is considered that the proposed development would have a minimal impact on this part of the conservation area, such that its character and appearance would be preserved.
5. A key consideration is the impact of the development on the amenity / privacy of the occupants of neighbouring residential properties. To the south of the proposed sun terrace is a pair of bungalows. Its relative height and the difference in levels is such there would be no direct views of these properties habitable rooms or gardens, resulting in a significant loss of privacy. Views would be mainly over the roofs of these properties. The sun terrace would face a blank gable to the west and obscure glazed first floor windows, beyond this to the north. The privacy / amenity of the occupants of the bungalows to the south west would not be compromised by the proposed development, due to their siting relative to the sun terrace and distances involved. The use of the terrace would not be too dissimilar to the use of the existing courtyard by the applicant as an area to sit out on and would be unlikely to result in any noise nuisance.
6. It is considered that whilst the proposed sun terrace would impact on the existing buildings character and appearance, the difference in levels, density of the surrounding built environment and height of the existing boundary wall would help mitigate any resultant harm. Not being readily visible from public view, the terrace would have a minimal impact on this part of Ashbourne Conservation Area area and its siting and relative height would not result in a significant loss of privacy or amenity for residents of neighbouring properties. It is therefore considered that the proposed development would, on balance, satisfy the relevant provisions of the development plan and national guidance. A recommendation of approval is put forward on this basis.

OFFICER RECOMMENDATION:

Planning Permission be granted subject to the following condition:

1. Condition ST02a: Time Limit on Full.

Reasons:

1. Reason ST02a.

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.

14/00447/FUL (Continued)

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan;

1:500 Scale Block Plan;

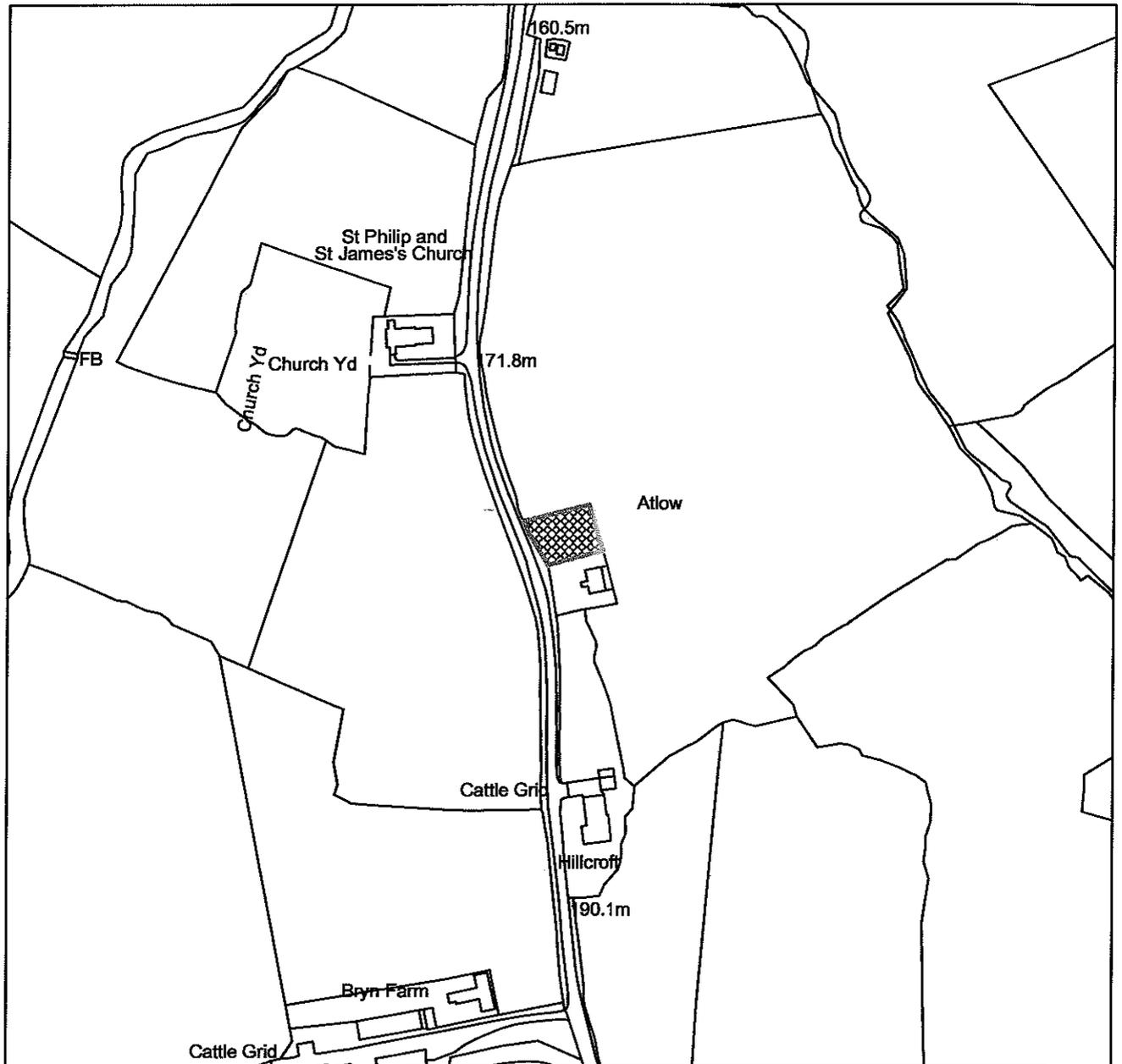
Design / Justification Statement;

1:100 Scale Existing Elevations and Ground and First Floor Layout Plan numbered 1, and;

1:100 Scale Proposed Elevations and Ground and First Floor Layout Plan numbered 2 received by the District Council on the 3rd July 2014.

13/00263/OUT

Brook Farm, Atlow



Derbyshire Dales DC

1:2,500

Date: 29/08/2014

100019785

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*

13/00263/OUT ERECTION OF AGRICULTURAL WORKERS DWELLING & ASSOCIATED ACCESS (OUTLINE) AT BROOK FARM, ATLOW FOR MR & MRS CRESSWELL

Parish Council: Atlow
Application type: Out

Date of receipt: 02/05/2013
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

Brook Farm is a long established agricultural livestock enterprise which extends to some 81 hectares mainly at Atlow. Some 39 hectares of land and buildings are held on a full agricultural tenancy associated with the farmstead, on the northern side of the hamlet, 3.4 hectares are owned by the applicant, a further 6 hectares are held on 'a gentlemen's agreement' and some 32 hectares of family owned land are farmed at Offcote.

There are numerous farm buildings grouped together on the northern edge of the community together with the farmhouse that the applicant and his wife occupy.

Atlow's properties for the most part sit within the bottom of a valley with steeply sloping sides. The countryside in this location is comprised of farmland with sporadic farms and dwellings.

THE APPLICATION:

Outline planning permission is sought for the erection of an agricultural workers dwelling with associated access only, all other matters being reserved for subsequent approval. The dwelling would be located upon land owned by the applicant immediately adjacent to the village hall, on its lower, northern side. An indicative site layout plan suggests a rectangular shaped dwelling, with a smaller outshoot along its southern side elevation. The proposed access is centrally located within the frontage to Atlow Lane. The house itself is to be within the middle of the site with a drive and turning area in front. A 1.1m dry stone wall is to front the lane and 1.4m post and rail fencing will enclose the rest of the curtilage.

A supporting Planning, Design and Access statement advises that a two storey dwelling is envisaged which is to have two to three bedrooms and a net internal floorspace of no more than 150sq.m. Reference is made to relevant planning policies and the 'functional' need for the dwelling. The impact of the proposed dwelling on the surrounding area is considered, and on highway safety and neighbours. The application is also accompanied by an agricultural appraisal by 'Reading Agricultural Consultants'. The appraisal advises that the farm is managed by the applicant and his wife with, until fairly recently one full time agricultural worker, the latter having retired several years ago. At the time of submission, the livestock comprised: -

- A 80 head dairy herd, with 60 followers
- A bull beef unit taking 40 bull calves from the dairy enterprise
- A heifer unit of 40 animals (Friesian and Limousin) providing dairy replacement or suckler cows;
- A small sheep flow of 15 ewes

The appraisal advises that since the full-time worker retired the applicant and his wife have managed the farm. During this period the dairy herd has increased in size by a third and additional land has been acquired. Contractors are employed for some field work, notably

silage making. A part-time, temporary self-employed contractor (based in Ashbourne) has been engaged but during the last couple of years there have been long periods when due to snow/inclement weather the contractor has been unable to reach the farm or has been delayed. This labour has since ceased. Also, the applicant's health has deteriorated which has limited the tasks he can perform. This renders the need for a permanent and readily available full-time worker essential to the future effective management of the farm business. The appraisal estimates that the farm's standard man-day (SMD) requirement is some 753 days or 2.7 workers. The consultants consider that the scale and nature of animal husbandry associated with the dairy and associated enterprises requires the ready availability of two full-time workers for its proper management. As the applicant's wife has a limiting osteoarthritic condition the proper functioning of the farm is at risk unless two full-time workers are available. The functional need is explained with references to animal husbandry which demands working late at night and in the early hours of the morning, particularly when animals are giving birth. Monitoring at these times is essential and reference is made to Defra guidance which explains the nature of work essential to animal welfare, both for cows and their calves.

The appraisal refers to the applicants efforts to recruit a full-time worker. Only part-time workers have come forward from the local area, other workers live too far away to provide the necessary support at short notice, or in an emergency. Current occasional short-term relief milking is provided by a worker travelling from Ashover (15+ kms) with a 40 minute journey to work. In light of this experience it is concluded that it will be necessary to attract a potential worker from further afield. To provide for this it is necessary for a worker to be close at hand and the appraisal refers to villages and the towns that are closest to the enterprise. However, after considering the distances and property values/asking prices on the market at the time of submission, the consultants conclude that suitable, available property, sufficiently close to the farm to enable a worker to be readily available does not exist. Hence, in these circumstances the only practicable way to secure a readily available worker is by the provision of accommodation on or close to the farm. However, the existing farmhouse is not large enough to provide accommodation for two independent families. There are no buildings suitable for conversion or available; it is not practical to separate any building from the livestock activity. Notwithstanding this, the overriding constraint is that the farmstead forms part of a tenancy, which restricts the applicant to make adjustments to accommodate a worker. It is concluded, therefore, that the recruitment of an appropriate worker is dependent upon the provision of residential accommodation on or close to the farm.

The appraisal considers the farm's sustainability and in this regard looks at farm accounts (for the period 2008-2012) which indicate the enterprise having been profitable in each of these years. With the minimum agricultural, worker wage being circa of £14 – 15,000 p.a. the appraisal considers the farms profitability can meet its labour costs. A dwelling of the type proposed, with some construction work done 'in house', would have a build cost in the region of £100,000, which the farm business can sustain, either as a financial charge of borrowed capital or as a return on invested private capital; in addition to meeting the labour costs. The farm business is stated to have a positive balance between current assets and liabilities, and the overall asset base of the business is increasing. There is nothing in the underlying structure of the business to indicate that it is unsound and cannot be sustained.

The supporting statement advises, that normally new agricultural worker dwellings are well related to existing dwellings or buildings associated with the farming activity. This is not practically possible due to the land being rented by and not owned by the applicant.

However, the proposed site is owned and at some 360m is only a short distance from the farmstead. In functional terms, this would enable a worker to be well related and respond quickly to any out-of-hours issues that require attention. It would also form part of the "loose built fabric" of the settlement and not appear as an isolated dwelling in the countryside. As this would enable the worker to be securely and readily available at short notice, the proposed dwelling would be consistent with the advice in the National Planning Policy Framework in respect to 'exception' dwellings.

The appraisal concludes that the recent changes at Brook Farm, with the loss of its full-time worker and without an appropriate replacement is now prejudicial to the proper functioning of the farm business. The farm business is profitable, is capable of remunerating the workforce, meeting the costs of a modest dwelling, and sustaining the development of the enterprise. If allowed, the dwelling would provide accommodation for a worker who would meet the functional needs of the farm.

Following the Council's referral of the appraisal to a firm of Countryside Consultants for an impartial assessment, on seeing their findings, the applicant, after some time, further engaged his Consultants to respond.

1. The applicants consultant disagrees with the appraisal and his reasons may be summarised as follows: -
 - Paragraph 55 of the National Planning Policy Framework refers to special circumstances that overcome the general restraint on residential development in the countryside. One such circumstance is 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. With regard to Brook Farm the relevant aspect of this requirement is 'or near'.
 - The Councils consultants on the one hand state that a worker residing 400m away cannot perform an essential role but a log cabin on the farmstead would. The distance of 400m does not alter the need requirement.
 - The issue is how readily available the second worker is to assist the key worker in resolving difficulties of an animal welfare or farm management nature at short notice or at anti-social hours. As there is currently no one to fulfil this role, the farm business has been adversely affected. This would be resolved by a worker residing in existing residential accommodation close to the farm, or in the proposed dwelling or in a dwelling on the farmstead.
 - The Councils consultants accept that two workers are necessary but, by their conclusions suggest that only an on-site dwelling would be appropriate. No comment is made in respect to a worker residing some distance from the farm, eg in Ashbourne or on the availability of existing residential accommodation closer to the farm (as the applicants appraisal does).
 - The siting of a log cabin at the farmstead is an alternative put forward, which appears to address concern that the site is within the applicant's ownership, whereas the bulk of the farm and buildings are on rented land. There is a potential for a future severance of the proposed dwelling from the rented holding. This, of course, is not of relevance to the current functional need for the proposed dwelling as the applicant has a full secure 1986 Act Agricultural Tenancy on the rented land and owns the application site.
 - The farm business is secure unless the landlord has statutory reason to terminate the tenancy. If severance was to take place, any planning permission would be subject to an occupancy condition, which longstanding policy has seen as the appropriate mechanism for retaining the availability of agricultural

dwellings to meet other needs in the locality. It is not a function of the planning system to determine applications on the basis of circumstances which may or may not arise, but to do so on the basis of their intrinsic merits.

- The alternative scenario put forward is not an option since the land owner (Okeover Estate) is not prepared to accede to a temporary log cabin on their land. Notwithstanding this, the steeply sloping ground and arrangement of farm buildings provide no obvious site for a dwelling. Should a site be formed, by excavation, the worker (and family) would have to access the dwelling through an active operational area with attendant safety implications. The suggestion that the log cabin could be readily removed takes no account of any requirement to reinstate the condition of the site.
- The Council's consultants refer to there being no evidence of the applicant's endeavours to recruit staff and it is the case that no advertising exercise has been undertaken. Efforts to recruit labour have been driven by the applicants practical experience of the difficulties arising from those workers who have been employed, and the obvious imperative for alternatives for those who were residing, or could reside, closer to the farm. The potential pool of skilled workers is, therefore small. House values in the local area mean that they are not available (affordable) to a transient worker, from a distance. The applicants attempts to employ a worker have centred on his extensive contacts with the local farming community, the network of this agricultural service sector and the National Farmers Union to identify a potential full-time worker already residing sufficiently close to the farm to meet the identified functional need. Unfortunately, any potential workers have only wanted part-time employment, or are living too far from the farm to provide the necessary support at short notice, or in an emergency. (Again, current short term relief milking is by a worker with a 40 minute journey to work). It is suggested that the applicant's local knowledge and networking is a more effective means of identifying a solution which might not require investment in a dwelling (for the second key worker), while a dwelling is quite clearly a pre-requisite for any successful recruitment activity on a wider basis. The validity of this does not require the support of documentary evidence, it is a simple reflection of the characteristics of the labour market in the dairy sector.

2. The applicants consultant makes the further following conclusions. Firstly, the farm is sustainable and this is accepted by the Council's consultants. They do not comment on the longer term consequences of the labour difficulties experienced, but agree that in the absence of a solution to the farm, the prospects of the farm business will be prejudiced. The proposal complies with the National Planning Policy Framework requirement for 'the essential need for a rural worker to live permanently at or near their place of work in the countryside'. No clear assessment of weight of need for the ready availability of the second worker has been undertaken by the Council's consultants. However, it is implicit by the suggested temporary dwelling at the farmstead that one is required, but one that is 400m distant, i.e. near to the place of work, is inexplicably deemed to be non-compliant. Future severance of the dwelling from the tenanted land is a possibility, but not one that is likely to occur in the foreseeable future. Hence, the application should be determined on the merits of the need, rather than circumstances that may or may not arise. The landowner is not amenable to the suggested log cabin, and an advertising exercise would not have been of any greater effectiveness. Local house prices mean that a skilled dairy worker will not be attracted without a commensurate housing solution. Failure to secure accommodation for a readily available second worker on any meaningful

basis, will result in continuing detriment to the current and future prospects of the farm business.

RELEVANT HISTORY:

None

CONSULTATIONS:

Local Highway Authority

No objections in principle. However, visibility in the northern direction from the proposed access is restricted by boundary hedgerow. Therefore, some improvements to the visibility will be required by either lowering or setting back the hedge, which is indicated as being within the applicant's control. Subject to the above being addressed, the Highway Authority raise no highway objections subject to conditions being imposed that deal with the access design, onsite parking and manoeuvring space and the location of any intended gates or other barriers. (Advisory notes are also provided for the applicant's attention).

Parish Meeting

Strongly support the application as it will allow the Cresswells to pass the tenancy on at least one more generation which will mean there will still be a working farm in the village instead of a load of barn conversions.

REPRESENTATIONS:

None

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance of Development

H4: Housing Development Outside Settlement Framework Boundaries

H9: Design And Appearance Of New Housing

EDT19: Tourist Accommodation Outside Defined Settlement Frameworks

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

Derbyshire Dales Local Plan Submission Draft (May 2014)

Development Management Policy 2 – Development in the Countryside

Development Management Policy 3 – Agricultural and Rural Workers Dwellings

Development Management Policy 9 – Design and Appearance Of Development

Development Management Policy 22 – Access and Parking

Other:

National Planning Policy Framework (March 2012)

Planning Policy Guidance 2014

ISSUES:

1. With the application being Outline, with only means of access being sought at this time, the relevant planning policies to consider in respect to the Adopted Derbyshire Dales Local Plan (2005) are policies SF4, SF5 (where access is considered) H4, TR1 and TR8. Policy SF4 deals with development in the countryside and is supportive of development required to serve the essential requirements of agriculture. Policy H4 deals with Housing Development Outside Settlement Framework Boundaries and cites that housing that is essential for the operation of agriculture, forestry or other enterprise that needs to be in that location. In principle, a proposed agricultural workers dwelling could be in accordance with both of these policies, subject to satisfying any relevant criteria. Policy SF5 requires that development components such as 'access' should preserve or enhance the quality and local distinctiveness of the surroundings. Policy TR1 requires that development that will be served by vehicles should have a safe access with appropriate gradient, width, alignment and visibility. It should be able to accommodate the traffic anticipated to serve the development, without detriment to the character of the road network and, where relevant, have adequate circulation within the site. As with Policy SF5, there should be no detriment to the appearance or amenity of the area. Policy TR8 deals with parking requirements of development. The indicative layout suggests that the site has sufficient space to accommodate the vehicles associated with a 2-3 bedroom dwelling. It may be seen from the response of the Local Highway Authority that subject to appropriate conditions being imposed they raise no objection to the proposed development.
2. Given the above, it would appear that a dwelling could be introduced on this site without highway objection. However, the main issue to consider is whether or not relevant planning policies lend support and justify the proposed agricultural workers dwelling being allowed. The Derbyshire Dales Local Plan Submission Draft is currently subject to further consideration following comments received by the Local Plan Inspector after the opening of the Public Inquiry. As such, and at what is still an early stage, the local plan may be afforded only limited weight. Paragraph 55 of the National Planning Policy Framework provides guidance regarding rural dwellings. It advises that 'to promote sustainable development in rural areas', housing should be carefully located. New isolated houses should only be allowed in special circumstances such as 'the essential need for a rural worker to live permanently at or near their place of work'. New rural worker dwellings should therefore be both 'essential' and 'sustainable'.
3. The accompanying agricultural appraisal and supporting information has been referred for an independent (impartial) analysis to an experienced firm of agricultural consultants which the Council engages where it is considered that cases for rural worker dwellings are not clear cut. The case put forward has been analysed by the consultants, having considered the farming enterprise and their findings may be summarised, as follows -
(Stock numbers and relevant policy considerations are not repeated) : -
 - i. The applicants have restricted their farming activities due to the lack of reliable labour on the holding. This has resulted in;
 - The reduction of the ewe flock
 - Heifers sold early, rather than being kept to their finishing weights

- The dumping of milk due to the unavailability of labour to clear snow to allow access for milk tankers
 - Full-time local labour has not been found, hence the proposed dwelling and with a wider search area the applicant continues to seek to attract a full-time employee. For there to be an essential need for a resident worker, there must be an essential functional need for that worker to live on site. For this, the scale and type of enterprise is important, assessing the potential for out-of-hours problems and for a resident worker to be able to identify and address any such areas.
- ii. With regard to essential need, the following tasks are undertaken;
- 80 milk cows, with 60 followers require twice daily milking
 - Calving takes place from July to December. Out of these approximately 20 will be first time calving heifers.
 - A proportion of cows will require assistance when calving, which can occur at short notice. Regular monitoring by a stockman is essential and this can be at any time, day or night, with inspections taking place out of hours.
 - When born calves require colostrum to ward off disease as their immune system is virtually defenceless. Further regular monitoring is required to identify signs of infection in the cows. This is on top of the regular monitoring of livestock that must take place.
- iii. With regard to lambing of the 15 ewes, this will take place on the holding in spring, mainly in April. Again regular monitoring to identify whether assistance is needed has to be undertaken. Once born lambs need to suckle, and may need assistance and they require colostrum with its beneficial antibodies, providing immune defences. Although the number of ewes is small, lambing is a time consuming process and will prevent a worker from undertaking work elsewhere on the holding.
- iv. Overall, the Council's consultants conclude that there is an essential need for one worker to be resident on the holding at most times. There is not a need for two resident workers. However, the holding (in terms of scale) does need 2 workers to run properly. Albeit only one needs to be resident.
- v. Turning now to financial stability/recruitment the Council's consultants have looked at the farm accounts and confirm that the business is profitable, and capable of supporting two agricultural wages of circa £19,000. However, as with the applicants consultant, it is considered that "it is not essential for the worker to be housed at the farmstead, but it is necessary for him to be securely and readily available at short notice". A location near to the place of work is consistent with the National Planning Policy Framework exception. Notwithstanding this, the applicant's consultants give two reasons for supporting a dwelling that will be sited almost 400m from the farm. The first is that no labour could be recruited despite extensive efforts, and the second is that no siting near the building is possible because this is a rented farm. However, no evidence to support the statement 'despite their best efforts over a two year period' no locally – based worker has been found. Evidence may exist in the form of adverts, respondents and their addresses, rejection letters to job offers etc, but none is presented with the application. Hence, it is not possible to

confirm that there is a need for the dwelling in principle and there is major concern with the proposed siting, given it is a long way away from the farmyard.

- vi There is a major risk in allowing a dwelling remote from the farm, on land owned that is not part of the tenancy. There is no indication of anybody to succeed to the tenancy after the applicant and his wife. The longevity of their tenancy is not known, but the essential need for the additional dwelling must be completely linked to that tenancy. If the tenancy was to end, and/or the enterprise to cease, the essential need for the dwelling would also cease. In a typical case, the dwelling would remain on the holding and there would be potential for a new occupant, or the existing occupant, to develop a different agricultural enterprise that may well require two dwellings. In this case, however, the dwelling would be associated with just eight hectares for which an ongoing agricultural need is unlikely. It is therefore considered that the application does not meet an essential agricultural need. A second worker on the unit is not needed. In respect of a special case due to an inability to recruit local labour, the dwelling does not meet that need due to its unsuitable siting, and the potential for the agricultural need to be relatively short-term.
 - vii. In conclusion, due to its detachment from the farm holding and the occupied land the Councils consultant considers the proposal does not meet an essential need as required by the Framework. However, this does not mean that the business is prevented from being able to prosper and grow, without risking unacceptable capital outlay by the tenants. Siting of a log cabin close to the farm building on rented land as a 'tenants improvement' would provide worker accommodation whilst at the same time be something that could be sold/removed at the end of the tenancy/applicants farming duration.
4. Clearly, this proposal raises a number of issues that require careful consideration. Paragraph 55 of the National Planning Policy Framework clearly states that 'Local Planning Authorities should avoid new isolated homes in the countryside, unless there are special circumstances', such as the essential need for a rural worker to live permanently 'at or near' their place of work. No definition of 'near' is provided. Previously, the applicant and his wife provided the labour requirement together with a full-time employee. However, some three years ago the full-time employee retired and the applicant's wife has a long-term and limiting medical condition. Her ability to undertake certain tasks is therefore limited, and it is clear that a second skilled agricultural worker is required to be on hand at short notice to prevent further operational issues continuing, affecting the farms viability. There is no indication that there is a next generation (i.e. family member) aiming to succeed the applicant as the principal worker, and, as such, move into the existing farmhouse. It is also the case that the farmhouse is only tenanted by the applicant and, given the dwellings age, it is not tied to the land holding by any planning condition, which is the case with new farm dwellings. The applicants consultants confirm that no advertising campaign has been carried out to secure an experienced agricultural worker, rather, it has been left to the applicants local knowledge and networking to find a solution. With no solution forthcoming, a permanent dwelling is now applied for although not on the tenanted farmland but on the applicants privately owned land in the village. Had the application for the dwelling been on the tenanted land, and potentially closer to the farmstead, the Councils consultants would not have raised the concerns over 'detachment' from the farm holding and the occupied land. The land in the

applicant's ownership only amounts to some 8 hectares, which on its own is unlikely to merit any on-going need for an agricultural workers dwelling. Hence, the concern expressed by the Council's consultants for an alternative solution is understood and the suggestion of a 'temporary' dwelling is perhaps based more on the applicants capital outlay and lack of immediate land ownership, as much as the suggested concern over possible future severance. Virtually every application for a second agricultural worker dwelling dealt with by the District Council in recent years has involved a dwelling being sited on or very close to the existing farm buildings. The dwelling is normally also tied to the land to prevent future severance which, without a tie, could lead to a dwelling becoming unavailable to serve the farming enterprise and potentially a further application for an additional agricultural worker dwelling subsequently being submitted. In this case, the dwelling would be owned and controlled by the applicant who, in due course, will not be a tenant farmer residing in the farmhouse. There is no assurance that the proposed dwelling would be available to Brook Farm in the future to serve a skilled agricultural worker. Whilst the owners of Brook Farm may not be disposed to a temporary dwelling in the applicant's ownership being introduced onto the farmstead at this juncture, it appears that a permanent dwelling on the farmstead may be supported, given the advice from the Council's consultants.

5. In conclusion, this case is far from being straight forward. When the Council considers the removal of an agricultural tie, it is expected that the property is subject to a marketing exercise. Conversely, if an experienced agricultural worker is required at a farming enterprise, evidence of the marketing exercise would, where no suitable candidates are identified, be pre-requisite supporting information. No information has been provided as to whether the landowner would be amenable to a second permanent dwelling being applied for on their land holding that would meet the applicant's current difficulties. The Council's consultants appear from their appraisal to accept that a second experienced worker is required and clearly this is the view of the applicant's own consultants, in terms of the farm businesses requirements.

Accordingly, it is not considered at this juncture that all potential solutions to the applicant's need for a further experienced worker on the dwelling have been examined. On balance, a recommendation of refusal is considered to be appropriate.

OFFICER RECOMMENDATION:

Planning permission be refused for the following reason: -

1. The proposed agricultural workers dwelling would represent a new build dwelling on private land that does not form part of the applicant's tenanted farmstead. As such, whilst an agricultural occupancy condition would restrict it being available on the open market, there would be no way of ensuring that if allowed, it would be available to the enterprise at Brook Farm, Atlow in perpetuity. As such, the proposal is not considered to satisfy the special circumstances referred to at Paragraph 55 of the National Planning Policy Framework (March 2012), and as such is contrary to the aims of Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005).

Footnotes:

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

This decision relates to the following documents:

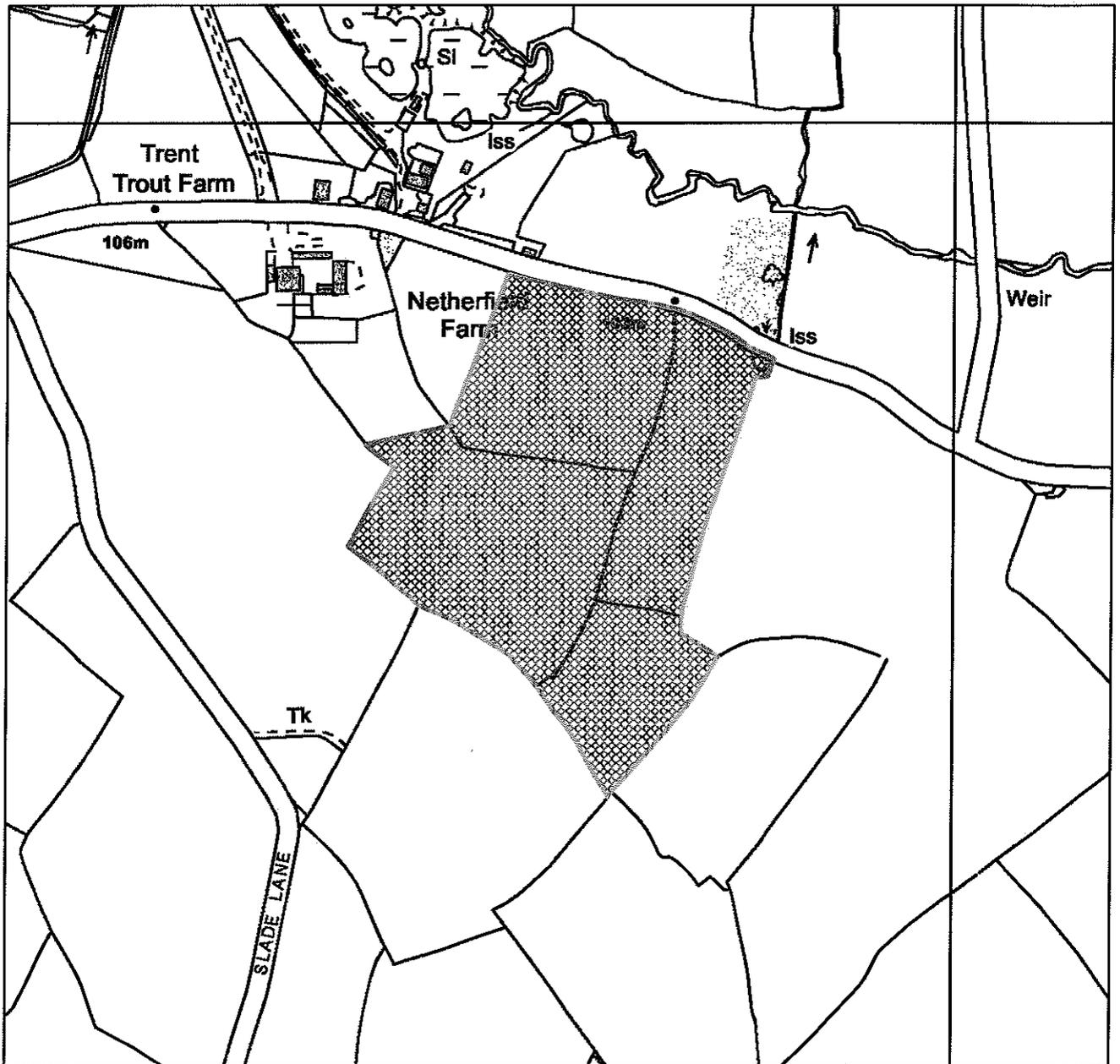
- Planning, Design and Access Statement dated April 2013
- Agricultural Appraisal by Reading Agricultural Consultants (RAC) dated April 2013
- Response by Reading Agricultural Consultants to the Agricultural Appraisal by the Council's Consultants - Kernon Countryside Consultants
- 1:1250 scale site location plan and 1:500 scale site plan – drawing ref 808-001
- 1:200 scale block plan, drawing ref 808-002

Supporting information comprising: -

- Owned and tenanted farm land (dated 03/03/2005)
- Appendix 1 – search of available property in the vicinity of Brook Farm
- Farm accounts
- Map to show farm complex and suggested location of agricultural workers dwelling

14/00401/FUL

Netherfields, Mercaston



Derbyshire Dales DC

1:5,000

Date: 29/08/2014

100019785

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*

**14/00401/FUL ERECTION OF AGRICULTURAL STORAGE BUILDING AT
NETHERFIELDS, MERCASTON FOR MR. HUTCHINSON.**

Parish Council: Mercaston
Application Type: FUL

Date of Determination: 12th June 2014
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application site is situated in a rural area to the north-east of Brailsford and close to the District boundary. There is a gated access into the field off a narrow, country lane which is aligned with mature, roadside boundary hedges. There are no other agricultural buildings in the immediate vicinity.

THE APPLICATION:

The proposal is for a large, agricultural storage building. It will have the appearance of an extended agricultural building. Its overall dimensions will be 17m by 28m and 7.5m high with a ridged roof. It will be positioned close to the mature, roadside boundary hedge.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Local Highway Authority:
No objection.

Environmental Health:

No objection, provided that the building is not used for the rearing or keeping of pigs. The location of the proposed building is too close to nearby residents for the use of pigs, due to the possibility of odour impact. However, I do not believe that the keeping and rearing of other farm animals, such as cows or sheep, would cause a nuisance with regards to noise or odour to nearby residents.

Parish Council:

Object. Concerns raised by several local residents about the state of the road and the increase in large, farm machinery which will damage the verges. Many complaints have already been received and a holiday let cannot be let in winter due to the poor state of the roads. The applicant has been oblivious to complaints. Therefore object to the proposed agricultural building due to the visual effect, highway safety issues and effect on individual buildings.

REPRESENTATIONS:

4 representations have been received which can be summarised as follows:

- Object to the size of the building and visual impact on the landscape.
- The upkeep, maintenance and cleanliness of the highway, with all the livestock that will be filling the building.
- The heavy duty farm machinery and the effect that it will have on the road conditions. There are already holes in the road which have damaged cars, which have been caused by heavy farm vehicles.
- Object to the scale and potential use of the building and the impacts that could arise.
- The proposed building would occupy a substantial footprint. It will be used to store machinery, straw, feed and animals. Concerned about the potential to house a substantial number of cattle which could cause the following problems:

14/00401/FUL (Continued)

- Smell. The closest house is less than 200m away from the proposed shed. The General Permitted Development Order does not allow livestock buildings to be erected within 400m of a dwellinghouse. This demonstrates that Smell is a material planning consideration and provides an indication of the zone of potential impact.
- Contamination – The local topography slopes down from the site to the Mercaston Brook. Rainwater drains from the field, over the objector's orchard and into the brook. This raises concerns about the high number of livestock could lead to contamination of the objector's land and the brook. Water from Mercaston Brook runs through the Kedleston Hall estate and Markeaton Park and supports wildlife including White Clawed Crayfish – a protected species.
- There is also a designated Nature Conservation Site near by. The Mercaston Brook is therefore a sensitive receptor and the potential impact of foul sewage is a material consideration.
- Mud / waste discharging onto Mercaston Lane – Concerned about a potential impact on highway safety, particularly in winter. Problems are already being experienced at certain times of the year as a result of mud being deposited from the field onto the road by tractors, making driving conditions more dangerous, particularly in icy weather. Concerned that the proposal could exacerbate the situation. The local Highway Authority will need to be satisfied that the proposal does not negatively impact the local highway network. This is a valid planning consideration.
- Also concerned about the visual impact of the proposal on an undeveloped field. Although there is a roadside hedge, the building will stand close to the road and the roadside elevation is tall – 6.8m to the eaves and 28m long. This will potentially be visually prominent, particularly in winter. Local Plan Policy EDT13 requires new agricultural buildings not to have an adverse impact on the character and appearance of the immediate or wider landscape and to be well related to existing buildings associated with the activity with which it is required.
- Policy NBE8 states that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape. There are no other buildings. The visual impact of the development on the road and wider landscape (particularly in winter) therefore needs to be carefully considered, taking into account the need to protect the setting of the nearby Grade II Listed Building – Netherfield Farm, under Local Plan Policy NBE16.
- Strongly oppose, particularly if the building is to be used for livestock. The applicant has a reputation in terms of listening and working with neighbours. Suggest a visit to his current farm to see the general condition.

The National Trust make the following comments:

- Object to the application, pending further details of waste management, disposal and the design of mitigation features such as waste containment and protection of water courses.
- Will the proposal facilitate intensification of the livestock operation, re-location of livestock overwintering from Inn Farm, or relocating of livestock from elsewhere?
- What is the location and form of the manure compound? Will it be located at the site of the new building or elsewhere – e.g. Inn Farm? What is the floor area and capacity? Construction details and levels? Are the walls and floor concrete? Is it covered and are the approaches covered to avoid rainwater entering and resulting in run-off? What additional measures are being undertaken to protect the Mercaston / Cutler Brook?

14/00401/FUL (Continued)

- Concerned about potential impacts on watercourses within the catchment, including Cutler Brook which passes through the lake at Kedleston. Kedleston Park includes a designated Site of Special Scientific Interest (SSSI) including the lower lake.
- Kedleston Hall is a National Trust property and lies 2km east of the site for the proposed agricultural storage building. The National Trust also owns the historic parkland of which the watercourse and brook are key features. The brook originates near Mercaston. Dragonflies and protected crayfish are found in the locality and are especially sensitive to environmental pollution such as sediments and other agricultural pollution from upstream. Even low levels of additional run-off arising from inadequate containment at the proposed new location could impact severely on the crayfish, dragonflies and the condition of this part of the SSSI.
- Mercaston and Markeaton Brooks – aiming to improve water quality in the Kedleston Lakes by reducing the amount of suspended sediment and farm pollution (point of source and diffuse) derived from upstream catchment.
- The applicant's farm has already been identified as a significant source within the catchment. Run-off from the farm has been observed in the form of slurry and diesel fuel spillage into a nearby receiver channel. There are additional concerns around the overall management of waste including surface run-off from the yard and fields. Slurry management is a key concern at this farm.
- The brooks support brown trout and the protected crayfish, bullhead and brook lamprey. These species are sensitive to contamination, particularly from slurry (high ammonia levels) which can kill the fish.
- The proposed farm building will be around 100m from the Mercaston Brook. It will also be adjacent to a road which currently receives run-off from nearby fields. The National Trust does not object to the principle of creating an agricultural building in this location. However, there is evidence that facilities and arrangements of slurry disposal at Inn Farm are currently inadequate and result in pollution of watercourses. It is unclear whether or not the proposal represents an increase in the level of stock in this location. Intensification has the potential to increase erosion and pollution, associated with increased slurry at Inn Farm. Both of these issues are likely to result in higher levels of run-off, pollution of brooks within the catchment and associated impacts on features of the SSSI. It is therefore crucial that the construction of this building has properly specified waste containment, storage and disposal facilities to minimise the risk of direct and indirect pollution incidents.
- Also list the relevant Planning Policies.

The National Trust also submitted further comments.

- Appreciate that the proposed development will not result in an intensification of activities at Inn Farm. However, still unclear about what waste management measures there will be. Further information would be useful for the manure storage compound – size, location, specification, arrangements for the storage of liquid waste. Suggest that the storage compound has capacity to store five months manure and associated waste products – bedding / washing, relating from October to March. This accords with guidance for slurry and manure storage in Nitrate Vulnerable Zones (NVZ) and could be considered as best practice for an agricultural building in a sensitive location.
- Will the manure compound have impermeable sides or will there be a drainage system for capturing excess liquids? Suggest liquids drained into a proper storage tank. Further advice can be obtained from DEFRA Good Practice Guide.

14/00401/FUL (Continued)

- Should planning permission be granted, suggest planning conditions are imposed to ensure that a solid manure compound of appropriate scale and specification is provided and that any slurry / liquids generated are managed through a drainage system, including a tank, to avoid environmental pollution.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF4 Development In The Countryside

SF5 Design And Appearance Of Development

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

NBE8 Landscape Character

Derbyshire Dales Local Plan Submission Draft May 2014

Development Management Policy 2 – Development in the Countryside

Development Management Policy 7 – Biodiversity and Geological Interests

Development Management Policy 9 - Design and Appearance Of Development

National Planning Policy Framework (NPPF)

Chapter 3 Supporting a prosperous rural economy

Chapter 11 Conserving and enhancing the natural environment

ISSUES:

The main issues to assess are the impact that the proposed agricultural storage building will have on the surrounding landscape. Development Plan Policies are generally supportive of buildings associated with agriculture, provided that:

- the building is required to support the activity on site;
- the size of the building is commensurate with the needs of agriculture;
- the design and external appearance are commensurate with the function and needs of agriculture;
- the building does not have an adverse impact on the immediate or wider landscape and it is well related to existing buildings associated with the activity with which it is required.
- Where new farm buildings would have a significant adverse effect on the landscape, the Council will resist the replacement of serviceable existing farm buildings by new ones.
- Before Planning Permission is granted for purpose built units, applicants will be required to demonstrate that there are no other more suitable existing buildings in the locality that are capable of being used for the proposed rural enterprise.

Although there are no other agricultural buildings in the immediate vicinity, the neighbouring farm to the west - Netherfield Farm, was a well established milking cattle farm until 10 years ago. The proposed site is part of a long established farming business (55 years) which covers some 750 acres and straddles the District boundary. The main farm (Inn Farm) is situated just over the District boundary in Weston Underwood and is a mixed arable and livestock farm. The young stock are currently being housed at Bath Farm, Kedleston. Unfortunately however, they are having to vacate their current premises because the farm is being decommissioned. Other sites have been considered for a new agricultural building, but were unacceptable due to access issues, increased risk of pollution, adverse impact on the landscape etc. The current site has been chosen due to its convenience to the current farm, it already has an access gate off the road and a well established roadside boundary hedge which will help to screen it from public view.

14/00401/FUL (Continued)

The nearest residential properties are approximately 200m away to the west and on the other side of the lane. Their objections have been taken into consideration whilst processing this application, but given the distance and the presence of the mature, roadside boundary hedge, they are not considered to give sufficient grounds to refuse planning permission in this case. The Local Highway Authority and the Council's Environmental Health section have both raised no objections to this application. The points made by the National Trust have also been noted. However, the applicant has pointed out that neither the farm, nor the proposed site, are within a Nitrate Vulnerable Zone (NVZ). He has also sought advice from the Environment Agency with regard to dealing with the manure. Although the National Trust suggest a manure storage compound, the applicant is reluctant to provide this facility because it is not within an NVZ. It is acceptable farming practice to make a pile of solid farmyard manure in an appropriate site in a field which will be well away from any water course to eliminate the incidence of contamination.

Although there are currently no other agricultural buildings in the immediate vicinity, this is considered to be a typical countryside activity and feature. It will be relocating an existing farming activity and is considered to comply with Development Plan Policies.

OFFICER RECOMMENDATION:

Planning Permission be granted conditionally.

1. Condition ST02a: Time Limit on Full.
2. The building hereby approved shall not be used for the rearing or keeping of pigs.

Reasons:

1. Reason ST02a.
2. For the avoidance of doubt, to minimise the adverse impact on nearby residents, in accordance with Policies SF4 and EDT13 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policy 2 of the Derbyshire Dales Local Plan Submission Draft May 2014 and Chapters 3 and 11 of the NPPF.

Note to applicant:

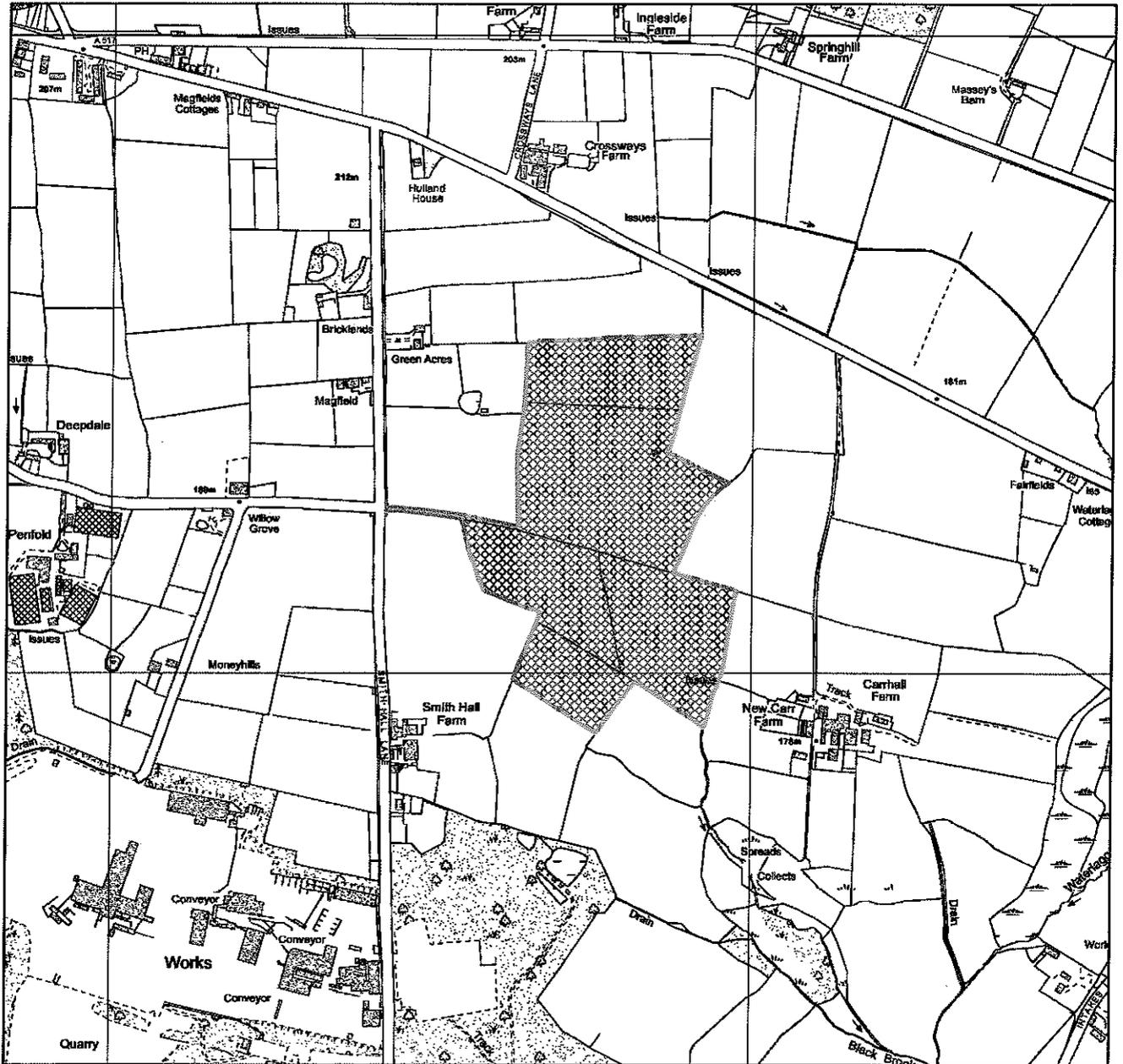
This Decision Notice relates to the following documents:

Drawings numbered 1, 2, 3, 4, 5, 6, 7, 8 and 9, received by the Council on 20th June 2014.

During the consideration of this application, the Local Planning Authority have engaged in a positive and proactive dialogue with the applicant, which has resulted in the submission of additional information in support of the application.

14/00415/FUL

Smith Hall Farm, Hulland Ward



Derbyshire Dales DC

1:10,000

Date: 29/08/2014

100019785

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

14/00415/FUL CHANGE OF USE OF LAND TO 8 MW SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE AT SMITH HALL FARM, SMITH HALL LANE, HULLAND WARD FOR MR ANDREW ALLEN

Parish Council: Hulland Ward
Application type: Full

Date of receipt: 23.06.2014
Case Officer: Mr J Bradbury

THE SITE AND SURROUNDINGS:

The application site relates to five agricultural fields with an combined area of approximately 16 hectares located to the east of Smith Hall Lane, Hulland Ward. The fields are accessed from Smith Hall Lane via an existing field access with the main site set one field back from the highway. The fields are enclosed with hedgerows with hedgerow trees. The land in the locality slopes down generally from north to south with the gradient increasing as you move south. The land is associated with Smith Hall Farm which lies approximately 250m to the southwest at its nearest point. Immediately to the south of Smith Hall Farm is a bungalow with views out to the west. To the east of the site are three dwellings at New Carr Farm/ Carr Hall Farm. The nearest of these is a bungalow set perpendicular to the site at approximately 140m distance. Carr Hall Farm is approximately 200m away whilst the third dwelling in this group is sited to the east of farm buildings 250m away. To the north west of the site approximately 180m away is a dwelling called Green Acres whilst to the north Crossways Farm lies 240m away and Hulland House is 340m away. To the south west of the site 200m away is a Derbyshire Wildlife site beyond which is the Aggregate Industries industrial site.

THE APPLICATION:

Planning permission is sought for change of use of the land to accommodate an 8mW Solar Farm with associated infrastructure. The solar panels which make up the solar farm are to be set on arrays facing south at an angle of 25°. The frame on which the panels will sit will have a maximum height of 2m above ground with a clearance of 0.6m. The separation of the arrays will vary between 3.5 and 7.5m.

The site will be accessed via an existing field access from Smith Hall Lane with 150m of 4m wide access track set just to the south of an existing hedgerow to the west of the fields being utilised to site panels. Just within the western boundary of the site to the south of the access a switchgear and metering housing building is proposed with dimensions of 6m x 2.55m x 2.8m above ground level. Internal tracks within the site will provide access to the panels and a total of 6 Inverter cabins are indicated at various points in the layout. These are 6.15m x 2.6m x 3m above ground level.

It is proposed to erect a 2.2m high deer fence set within the existing boundary around the site leaving sufficient spare for a 5m access around the outside of all the arrays. The application includes details of an Infra-Red security camera mounted on a post 2.7m from the ground set 2m within the deer fence. The precise number of location of these is not indicated.

The site layout shows the retention of all existing trees and hedgerows. An area within the northernmost field is shown left clear of panels in order to incorporate some biodiversity benefits although at the time of writing the applicants were reconsidering the precise location of this area with a view to providing increased screening within the south eastern corner of the site. The area underneath the panels is to be seeded with a Wildflower mix and maintained for grazing by sheep. Existing hedgerows will be supplemented where there are gaps.

Beehives and bird boxes are included within the suggested layout.

The application is accompanied by the following supporting documents: -

- A Planning Design and Access Statement
- A Heritage Statement
- A Flood Risk Assessment
- An Archaeological Geophysical Survey
- A Construction Traffic Management Plan
- A Report on the Land Classification
- A Phase 1 Habitat Survey
- A Landscape and Visual Impact Assessment

These documents have been circulated to the relevant consultees and made available on the public file. Their contents are not needlessly summarised here but they are referred to as relevant in the issues section below.

The key points made by the applicants in support of their application are as follows: -

1. The proposed is generally benign and the current site has limited environmental value such that any impact on the environment are not significant effects.
2. The small impacts that occur should be considered in the context of the Peak Sub Region which receives average levels of solar radiation and the landscape sensitivity Assessment for Renewable in the Peak Sub Region (2009) which recognises the impact of wind turbines and suggest an emphasis will need to be on solar.
3. The site was selected having regard to its location away from sensitive sites, gentle topography, screening, the 3b grading of the agricultural land and feasibility of the grid connection.
4. Solar Farms are recognised as having low levels of impact on their surroundings whilst meeting the requirements for renewable energy production.
5. The scheme has been designed to have a net benefit to local ecology and improve local biodiversity through the wildflower mix for grazing, supplementing of hedging and establishing a 1.1 acre area for biodiversity benefit.
6. The key benefits of the solar farm identified are: -
 - i. The nature and scale of the proposed solar farm mean that impacts are minimal and limited to the immediate surrounding area.
 - ii. There are no sensitive sites within or close to the development
 - iii. Landscape character would be retained
 - iv. Limited visibility from public vantage points and residential building
 - v. Negligible impact on archaeological and heritage assets
 - vi. Easily manageable water flows from the site
 - vii. Enhancement of habitat
 - viii. Continued agricultural activity and diversification of a successful organic farm.

RELEVANT HISTORY:

None relevant

CONSULTATIONS:

Local Highway Authority

No objection – subject to condition relating to visibility splays, setting up of site compound and wheel wash facilities.

Parish Council - Object for the following reasons: -

1. The scale of the proposed development on an area of 17 hectares and 32,000 panels will have a very negative impact on a small rural community, in particular on adjacent residents and the environment.
2. Neighbouring properties have not been consulted as had been suggested by the applicant when they met the Parish.
3. The scale should be reduced to lessen impact on near neighbours particularly Carr Hall Farm.
4. Beehives should not be erected as a near neighbour has a severe allergy.
5. Installation should only occur 9.00am – 5.00pm on weekdays
6. The grass around the panels should be maintained to a high standard.
7. Clearer environmental benefit should be identified – Bird boxes are insufficient in relation to the scale of development proposal.
8. The route for HGV's should be via Brailsford to avoid difficult Black Horse junction with A517
9. Noise implications for neighbours should be identified. Piling of foundations taking 6 weeks could impact on livestock on adjoining land.

Environment Agency

No objection subject to condition regarding sustainable drainage.

Crime Prevention Design Adviser

Expresses some concerns about the levels of security for the boundary. A deer fence of 2.2m is not a specialised security product and would only offer token resistance to intruders. In remote locations where sites are not overlooked, security should provide a deterrent. It is recommended that a 2.4m fence of a form such as a weldmesh fence be provided along the boundary.

Details of lighting and CCTV cameras along with security alarms should also be provided.

Derbyshire Wildlife Trust

Not aware of any habitats of a substantive nature conservation value associated with the site, with the exception of the hedgerow network and mature trees which are unaffected.

Whilst the provision of a maintenance strip for hedgerows is welcome it is essential that the perimeter fence design continues to allow the free movement of mammals such as badger and brown hare on and off the site.

It is noted that the skylark and lapwing were identified during survey work, but no details included of how they were using the site.

However as the site has been cattle grazed it is unlikely that the site has provided a suitable nesting facility. Some mitigation should be offered up in this respect.

Overall advise that provided ecological mitigation is carried out as suggested no adverse impact will result. Conditions should secure mammal access and mitigation / management for the benefit of lapwing and skylark.

REPRESENTATIONS:

A petition against the development signed by 15 people raises the following objections: -

1. Local residents were not notified by the applicant.
2. In preparing the landscape assessment trespass has occurred.
3. Sediment from piling the foundations could run downhill into the brook at the southern end of the site harming its ecology. Runoff from the panels could flood Carr Hall Farm.
4. The solar panels will be visible from nearby properties affecting amenity and will have a major impact on the local landscape as the site is exposed.
5. The hedges do not screen the site as it is on sloping ground and it is visible for miles around.
6. The local roads are already heavily trafficked and this will worsen the situation.
7. Noise pollution will occur during construction.
8. Light pollution will result from reflection and glare.
9. The design and appearance and density is disproportionate.
10. The landscaping and tree planting will not conceal the site and the suggested planting will be a further nuisance.
11. The location of beehives near Green Acres is inappropriate as the resident suffers from a severe allergy.

Five individual letters of representation have also been received raising the following issues: -

1. Not notified of application which has been handled in a secretive manner denying proper time to make representations.
2. This area is entirely inappropriate for such a development. The visual impact from surrounding properties will be unsightly and devalue them.
3. The land should be retained for farming.
4. The beehives will pose a threat to a resident of Green Acres.
5. Noise nuisance will result during consideration.
6. Hedgerows maintenance and weed control should occur.
7. The additional traffic opposite the junction to Hulland which is already extremely dangerous will increase the likelihood of an accident
8. There does not appear to be an overall plan for solar energy and this one could open the flood gates for others
9. Disturbing the cows during construction will adversely impact upon milk yields affecting farm income
10. With a growing population agricultural land should be retained for agricultural purposes as solar farms can be located on other land and buildings

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
SF4: Development in the Countryside
SF5: Design And Appearance of Development

SF6: Protection Of The Best Agricultural Lane
NBE6: Trees and Woodlands
NBE7: Features Important In The landscape
NBE8: Landscape Character
NBE24: Archaeological Sites And Heritage Features
NBE27: Crime Prevention
TR1: Access Requirements And The Impact Of New Development
CS5: Renewable Energy Installations

2. Submission Draft Derbyshire Dales Local Plan 2013
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 8 – The Historic Environment
Development Management Policy 9 – Design and Appearance Of Development
Strategic Policy 3 – Protecting and Enhancing the Natural and Historic Environment
Strategic Policy 9 – Climate Change
Development Management Policy 22 – Access and Parking

3. National Planning Policy Framework
Paragraphs 14, 93, 97, 98 112

4. Planning Practice guidance

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

ISSUES:

1. Introduction and Policy Context

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

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

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

Paragraph 98 in relation to determining applications advises that Local Planning Authorities should not require applicants to demonstrate the overall need and recognise that even small-scale projects provide a valuable contribution to reducing greenhouse gas emissions. It goes on advise that unless material considerations indicate otherwise local planning authorities should approve applications if their impacts are (or can be made) acceptable.

This overarching guidance has an essentially positive attitude whilst recognising that other planning considerations can outweigh the benefits to be derived from renewable energy.

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

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

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

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

- Encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- The proposals visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety.
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun.
- The need for, and impact of, security measures such as lights and fencing.
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;

- The energy generating potential, which can vary for a number of reasons including, latitude and aspect.
- The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

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

Policy CS5 of the adopted local plan although not specific to solar farms, is considered to be broadly consistent with the thrust of current government policy on this matter in recognising the benefits of renewable energy whilst also recognising the need to balance this against the environmental impact.

Policy NBE8 of the adopted plan seeks to protect landscape character and appearance and is broadly consistent with the framework.

Policy SF4 protects the countryside from unwarranted development. Whilst this is in accordance with the broad aims of the National Planning Policy Framework it has to be recognised that major energy projects often require rural locations.

Policy SF6 of the local plan seeks to protect the best agricultural land and is focused on directing development to either brownfield land or land in grades 3b, 4 and 5.

The policies of the submitted draft local plan have some weight as emerging plan policies and are written in a manner consistent with the framework.

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

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

2. Compatibility of the scheme with aims of national policy

It is clear from the above analysis that whilst recognising the benefits of solar farms the government is keen to promote these on brownfield sites or agricultural land of lower quality thereby safeguarding the better agricultural land for varied agricultural use. They are also seeking to direct installations to where their landscape impact can be contained and mitigated to prevent significant harm to landscape character and appearance.

The applicants in this case have had the quality of the land independently assessed as 3b on a scale of 1 to 5 with 1 being the most productive and versatile land. Grade 3b land is land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested.

The planning system does not protect this grade of agricultural land from development. It is currently used for cattle grazing and the installation of a solar farm which allows for continued sheep grazing is not considered to be at odds with national policy on the siting of solar farms or policy SF6 of the adopted local plan, subject to other environmental constraints being satisfied.

3. Impact on landscape character and appearance

A landscape and visual impact assessment has been included as part of the submission. It has been undertaken in accordance with best practice and includes an assessment of the effects on both landscape character and visual amenity likely to be experienced following development – the latter being based on the view from 9 local viewpoints, which are fully analysed, and a number of additional views which were assessed in more limited fashion either because it was found that there was no view or that the view was indistinct over long distance.

The assessment concludes the following, in terms of the likely effects of the development on the landscape: -

- That effects will be of low magnitude being of minor scale within the wider landscape context
- That the local landscape character has medium sensitivity to this form of development in terms of its ability to successfully accommodate it.
- That there will be, overall, a moderate to slightly adverse effect on landscape character
- That there will be slight to minimal adverse effects on the features of the landscape (land-use, landscape pattern, land form, tree cover and field boundaries)
- That there will be slight beneficial effect on some landscape features (hedgerow improvement, sheep grazing)
- That there will be slight to minimal adverse effect on the cultural and social landscape (where a development affects an area of local landscape character but this results in little or no change to it).

And on visual amenity:

- That visual impact is likely to be low considering the screening afforded by existing hedgerows and the proposals for additional screening
- That PV panels are designed to absorb sunlight rather than reflect it and, therefore, the degree of noticeable glinting is likely to be insignificant
- That there will be no effect on views from the west
- That residential receptors are the most sensitive and in views from the south (Smith Hall Farm and The Haven) they will experience moderate adverse effects if they have a view of the development
- That recreational receptors, where they have a view, will experience a slight to minimal adverse effect rising to a moderate adverse effect in views from Viewpoint 5 at Blackbrook Farm.
- That recreational visitors will experience slight to minimal adverse effects where they have a view.

- That users of local public highways are generally screened by the topography and hedgerows but, where they have a view, will experience slight to minimal adverse effects.
- That the mitigation strategy will reduce the degree of effect without necessarily removing it and that it is likely to reduce the degree of effect within views that are closer to the site more than within those viewpoints that are further afield.

These conclusions reached are considered to be broadly correct and borne out by assessment of officers on site.

Whilst the solar farm will read as an alien element within the local landscape it is not extensive enough within the context of the wider landscape character type to have a significant adverse effect on it. The structures will be intrusive but low key, the fabric of the landscape will remain largely unharmed by the fixing of the frameworks, much of the area will remain undeveloped and available for use as grazing pasture, none of the features in the landscape (trees and hedgerows) will be significantly harmed and the proposed mitigation will help to assimilate the development in the landscape. As a result there is unlikely to be any significant adverse impact on local landscape character.

The land form and existing trees and hedges contain the site to a significant degree and substantially screen it from most public views.

This is true from most points to the west and north and from the south beyond woodland at The Carr.

From the east the site will be visible from high ground near Cross O'th Hands where roads intersect but as you move south along Intakes Lane the views are limited and broken.

The most significant views of the solar farm are from properties at Carr Hall Farm, the access to Blackbrook Farm and from The Haven (bungalow to south of Smith Hall Farm) where receptors will experience a change in the nature of the landscape. Officers noted that particularly from the east from Carr Hall Farm and New Carr Farm the solar farm would become a significant component in views from properties and their gardens. In this regard officers have requested that a more substantive belt of planting is considered along the south eastern boundary of the site where the panels are most conspicuous. The views from The Haven will change and the solar farm will become a significant component of the view. However, only part of the farm is readily visible and on balance this impact is not so significant as to warrant rejection.

Users of the A517 and other roads near Cross o'th Hands will be able to view the panels but at a distance and in transit.

No public footpaths are close to the site such that their use would be unduly compromised. Some adverse impact to landscape character and appearance and visual amenity will result but this is and can be further mitigated by screening and the site has generally a limited range of visibility. These adverse impacts need to be weighed against other factors in the final analysis.

4. Impact on Residential Amenity

The visibility of the site from a number of viewpoints is described above. In addition to these properties there are dwellings to the west at Green Acres and north at Crossways Farm close to the site. However the nature of the topography means that Green Acres will

have no substantive view and Crossways has a view across a landscape with intervening screening. These impacts are not substantial.

Residents of surrounding properties have raised issues regarding construction noise and potential impacts on health. Whilst some disturbance is inevitable during construction imposing hours of construction limitations should help to mitigate the harm. Fears over beehive locations will be taken on board by the applicants in revising their mitigation/ecological enhancement strategy with the exception of the impacts on visual amenity the impacts on local residents are not significant once the installation is complete.

5. Impact on Heritage Assets

Solar Farms have the potential to disturb archaeology and impinge on the setting of heritage assets. The applicants commissioned an archaeological assessment and associated geophysical survey to identify anomalies that could warrant further archaeological investigation. The survey revealed nothing of substantive interest that warranted further archaeological investigation.

The application is also accompanied by a heritage statement. The two closest listed buildings (within 1Km) are Halter Devil Chapel (Grade II) and Halter Chapel Farm House (Grade II) which lie 940m to the south west.

Five other groups of listed buildings lie within 2Km and Hulland Conservation Area lies 2Km to the west.

The applicants have assessed the assets and their settings. In the case of Halter Devil Chapel and Farmhouse there is no direct intervisibility. In this regard any impact on setting is not significant. The other heritage assets are either so distant or without direct intervisibility such that any impact on setting is not significant in planning terms.

6. Impact on Ecology

The comments of Derbyshire Wildlife Trust succinctly analyse the ecological interest of the site. There is limited recorded interest with the potential for use by mammals such as badgers and hares and some potential for use by skylarks and lapwings. The applicant as part of their scheme will be seeking to promote ecological enhancements to encourage biodiversity through supplementing hedgerows, introducing wildflower mix to the grazing, putting up bird boxes and leaving an area free from development. This mitigation strategy is being reviewed in order to secure greater planting to the south east but it is considered reasonable to include all the measures requested by the Wildlife Trust into a wildlife/ecology mitigation scheme condition.

7. Impact on highway safety

The site is accessed from an existing field gate opposite a junction on what is a relatively well trafficked route. Concerns regarding the impact of construction traffic and its routing are understandable. The applicant has submitted a Construction Traffic Management Plan. The access will need to be widened to 5.5m to accept construction vehicles and to achieve adequate visibility the hedge will need trimming to the south back to 0.6m for 79m with a further 39m trimmed to 1m. Banksmen will be present to ensure safe entry and exit.

It is anticipated that 112 articulated lorry deliveries will be required during construction over a six week period equating to six movements per day. In addition approx. 40 vehicle movements will deliver roadway aggregate.

Once operational, traffic will be limited to 10 to 20 visits per year for maintenance.

A suggested construction traffic route plan shows exit to the north and joining the main highway network at Hulland Ward.

Notwithstanding the immediate harm to the roadside hedge and public concerns about the construction route and the volume of traffic the Local Highway Authority have raised no objections subject to conditions. Some disturbance during construction is inevitable but once established the proposal will be a low traffic generator of no detriment to highway safety.

8. Other Matters

Site security has been raised as a potential issue by the Crime Prevention Design Adviser. Whilst it is recognised that solar farms may be vulnerable to theft or vandalism this proposal is set away from the highway with a single point of access. As such, it would on the face of it appear unlikely to be subject to crime. The operators consider the use of CCTV to be proportionate to the circumstances and this approach is considered acceptable.

Concerns have been expressed about drainage and sediment feeding into a nearby brook to the south of the site. Whilst this concern is accepted the imposition of a surface drainage condition supplemented with a construction drainage clause should be sufficient to address this matter.

9. Conclusion

The detrimental environmental impacts of this solar farm are largely limited to the impacts on the character and appearance of the landscape and the visual amenity of a limited number of residents.

Whilst these impacts are significant and the thrust of government policy is seeking to locate installations on brownfield sites where feasible, under the guidance of the National Planning Policy Framework Local Planning Authorities are required to have a generally positive disposition to renewable energy installations and approve applications unless material consideration indicate otherwise and if the impacts are (or can be made) acceptable.

Although the site is greenfield the agricultural land is a lower grade (3b) and Planning Practice Guidance accepts that such land can be utilised. It also states in principle that the visual impact of a well-planned and well screened solar farm can be properly addressed within the landscape.

On balance whilst some harm will result, with an amended scheme of landscaping the harm to landscape character and appearance and the amenity of neighbours will be minimised. The level of harm resulting even allowing for the greenfield nature of the site is considered to be substantially outweighed by the policy support for renewable energy installations such as this which can make a meaningful contribution to tackling climate change and increasing energy security. The scheme on balance is in accordance with local and national planning policy and the granting of permission is recommended.

OFFICER RECOMMENDATION:

Subject to the receipt of a satisfactory modified layout which secures a more substantial screening belt along the south east side of the site, planning permission be granted, subject to conditions covering the following issues.

1. Standard Time Limit for Implementation

2. Amended plan
3. 25 year time span of permission.
4. Submission of, and approval of, modified ecological mitigation scheme incorporating measures to allow passage of mammals through site and mitigation of impacts on Skylark and Lapwing.
5. Sustainable drainage scheme to be submitted and agreed.
6. Details of location of CCTV cameras to be submitted and agreed.
7. Hours of construction to be agreed.
8. Construction vehicle routing to be agreed.
9. Provision of site compound and loading / unloading facilities to be agreed before other operations.
10. Visibility splays to be secured.
11. Wheel cleaning facilities provided on site.

Footnote:

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 the screening of the solar farm along the south eastern boundary.

14/00351/FUL SINGLE STOREY EXTENSION AT STONEYCROFT MANOR, MAIN STREET, KNIVETON FOR MR N. WORNE

Parish Council: Kniveton
Application type: Full

Date of receipt: 19.05.14
Case Officer: Mr C. Whitmore

INTRODUCTION:

The application was deferred at the Southern Area Planning Committee meeting in August to enable the applicant and officers to consider whether an extension of the size and nature proposed could be erected in close proximity to the mature Beech tree, without detriment to its health and lifespan. Following deferral officers have entered into discussions with the applicants' agent and amended plans have been received, which are discussed in the application and issues section below.

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 extension and to erect a large single storey side / rear extension. Following a proposal to erect an extension built in a contrasting style to the existing dwellinghouse with three distinct sections which sat underneath the canopy of the mature Beech tree, revised plans have been received. It is now proposed to erect an extension with a slightly reduced footprint. It will be 15.5m as opposed to 16.5m long. The width of the garden room at the eastern end of the building has also been reduced by approximately 1.5m. The design of the extension has also been reconsidered. The ridge height and size of the glazed lantern has been reduced. The hipped roof sections have been replaced with gables. From Main Road the extension would have a much simpler form / appearance.

In support of the changes the applicant makes the following comments "the main alterations involve the reduction in size of the extension particularly in relation to the beech tree where we have now increased the distance between the building and garden room significantly, furthermore the boots area and lobby to the wc is to be constructed as a lightweight structure suspended off the cantilevered roof structure. This means that in the hatched area there will be no foundations and coupled with the fact that the floor level to the existing utility is some 600mm further down from the proposed floor level should relieve pressure on the tree."

The applicants have been advised by their arboriculturist that once a mature Beech has been pruned to the extent that this Beech tree has, there is unlikely to be new growth around the bow and it is unlikely therefore that there will be significant new growth on the side of the tree that would sit next to extension.

RELEVANT HISTORY:

None.

14/00351/FUL (Continued)

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 axiality, 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:

The National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

ISSUES:

1. The Local Planning Authority recommended that the previous scheme 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 be 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).*
2. In reaching a judgement on this application an assessment needs to be made as to whether the proposed changes have addressed the above reasons for refusal.
3. Whilst the design of the extension has been reconsidered it still has an overly complicated form and fussy design / appearance which would jar with the simple appearance and proportions of the principal dwellinghouse. The extension has 11 corners, shallow dual pitched roofs and a variety of window styles / proportions and glazed sections. Although the extension would be more traditional in appearance when viewed from Main Street, in its entirety it is considered to have a detrimental impact on the character and appearance of the existing dwellinghouse.
4. Whilst the applicant has further considered the impact of the extension on the mature Beech tree and reduced the footprint of the extension concern remains, given the size and nature of the extension sought and its location, regarding the possible impact of the development on the health and life expectancy of the Beech tree, which as a species does not respond well to root disturbance.
5. The distance between the proposed extension and the Beech tree has been increased slightly and the small boots area and lobby, which is the nearest point to the Beech tree is to be suspended off the cantilevered roof structure. The extension still comes, however, within 7.5 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 7.5 metres into the Root Protection Area for the Beech tree.

14/00351/FUL (Continued)

6. Concerns also remain that the proposed extension would generate further pressure for the pruning, or even the felling, of the Beech and Lime trees when only a few months ago the Beech tree was reduced by 20% back from Stoneycroft Manor and the neighbouring property due to concerns about the proximity of the tree to these structures. Contrary to the assertion made by the agent, it is considered that the canopy of the Beech will regrow on its northern side in the direction of the house.
7. The revised proposal would still introduce a substantial structure with extensive glazing both on the side elevations and roof within only 7.5 metres of the trunk of the Beech tree 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. The proposals would generate additional fears relating to the possibility of branches breaking and hitting the extensively glazed elevations and roof particularly in windy conditions.
8. In summary, there remain concerns that an extension of the size and nature proposed in this location would not only affect the future health and lifespan of the mature Beech tree, but also lead to pressure for extensive pruning, or felling, of the tree which occupies a prominent position in the landscape and therefore have considerable merit as a public visual amenity. The complicated form and fussy design / appearance of the extension would also have a detrimental impact on the character and appearance of the principal building. It is recommended that the application be refused for these reasons.

OFFICER RECOMMENDATION:

That Planning permission be refused for the following reasons:-

1. The proposed extension would by reason of its overly complicated form and fussy design would appear as an incongruous addition to the existing dwellinghouse harmful to its character and appearance contrary to the aims of policies SF5 and H2 of the Adopted Derbyshire Dales Local Plan (2005), Development Management Policies 2 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 be 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).

14/00351/FUL (Continued)

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;

Document Titled 'Arboricultural Survey Impact Assessment Report and Method Statement', and;

Document Titled 'Heritage Statement' received by the District Council on the 19th May 2014, and;

1:50 Scale Proposed Elevations and Floor Layout plan numbered 2152-14, and;

1:100 Scale Block Plan Showing Details of the Foundations numbered 2152-12 A received by the District Council on the 26th August 2014.

.

NOT CONFIDENTIAL - For public release

SOUTHERN AREA PLANNING COMMITTEE – 9th September 2014

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/13/00014	Hasker Farm Cottage, Hasker Farm Stainsborough Lane, Callow	LI	Appeal being processed
13/00889/LBALT	Churchfields Farm, Brailsford	WR	Appeal being processed
ENF/12/00093	Roston Inn, Mill Lane, Roston	WR	Appeal being processed
13/00710/FUL	Bradley Pastures, Bradley	WR	Appeal being processed
13/00689/CLEUD	Marston Lane, Doveridge	WR	Appeal being processed
13/00818/FUL	Bradley Nook Farm, Hulland Ward	WR	Appeal being processed
13/00855/FUL	59-61 Belper Road, Ashbourne	WR	Appeal being processed
13/00911/OUT	Land at Old Derby Road, Ashbourne	LI	Appeal being processed
14/00361/PDA	Land South of Halfway House, Clifton Road, Clifton	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.