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2 February 2015

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 10 February 2015 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 **3.00pm PROMPT - MEMBERS PLEASE ASSEMBLE IN THE FOYER.** A schedule detailing the sites to be visited is attached to the agenda. **(MEMBERS ARE ADVISED TO WEAR SUITABLE FOOTWEAR AS SOME SITE VISITS WILL INVOLVE WALKING ACROSS FIELDS)**

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

20 January 2015.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close

friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

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Extension of, and alterations to, Former Toilet Block, Market Place, Ashbourne.	
4.3 APPLICATION NO. 14/00722/FUL (Site Visit)	26 - 47
Demolition of existing dwelling and outbuildings and residential development of 114 dwellings and associated infrastructure and open space at Hillside Farm, Wyaston Road, Ashbourne.	
4.4 APPLICATION NO. 14/00698/OUT (Site Visit)	48 - 86
Residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure at land off Wheeldon Way, Hlland Ward.	
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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.

14/00640/FUL

Former public conveniences, Union Street, Ashbourne



Derbyshire Dales DC

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Date: 28/01/2015

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14/00640/FUL REDEVELOPMENT OF FORMER TOILET BLOCK TO USE CLASS A2 AT GROUND FLOOR AND FIRST FLOOR APARTMENT AT FORMER TOILET BLOCK, MARKET PLACE, ASHBOURNE FOR MR M MORABBI.

Town Council: Ashbourne
Application type: Full

Date of receipt: 04.11.14
Case Officer: Mrs T. Shaw

THE SITE AND SURROUNDINGS:

The former, now unused, public conveniences which date from circa mid-20th century are located close to the junction of Union Street and Buxton Road, but are not directly on axis with the junction. They are however prominent in the street-scene facing the Market Place and are situated within the Ashbourne Conservation Area.

The existing building is of a simple form, (footprint, scale and mass) and of a plain appearance, constructed in brick with a moulded cornice and coped parapet which conceals a flat roof. The building has few architectural details, other than the door surrounds, one to the main elevation of the toilets and one which has been installed which 'fronts' what was presumably once a passageway adjacent to, and part of, No. 3 Union Street (a Grade II listed building). There are horizontal windows at high level facing onto Union Street. The building is single storey and steps back up the Channel. The side elevation forms the enclosure to the north of the former toilet block, to which the cornice extends part way at higher level and to which there is a continuous handrail along The Channel. There are no openings in this elevation, or to the rear elevation and the building has no access out onto the rear yard. The small rear yard which is both overlooked and accessed by No. 3 Union Street, can also be seen from The Channel itself.

THE APPLICATION:

This application seeks a change of use from the former public toilet use to Use Class A2 at ground floor (Financial and Professional Services) and for a new residential unit to be created above (Use Class C3).

In terms of external alterations, the height of the existing building is to be raised to create an upper storey. The existing height is approximately 4.9m high to the parapet wall level and is to be increased to 5.9 metres. The proposed roof is to be part flat and part mono-pitch, constructed in a seamed metal, incorporating high level windows which will face the blank gable end of No. 3 Union Street. The external walls are to remain brick to the ground floor with a number of new openings made for windows and doors and the moulded cornice is to be reused at a lower height (circa 1m lower) to both the front elevation and part side elevation (as existing) with a rendered upper floor. Initially the plans indicated a projecting jetty overhanging the rear yard, but this has been removed (as detailed on the amended plans) and an obscure window to serve a bathroom has replaced a clear opening bedroom window on this elevation. The entrance will be from the former 'Ladies' entrance (below the flying freehold) with large windows at ground and first floor level. The new windows and doors are to be grey powder coated aluminium. Rainwater goods are to be dark grey aluminium.

Exterior lighting is proposed at the centre and bottom of the Channel (1.6m from ground level to illuminate the pathway.

Internally, it is proposed that the whole of the ground floor will be used for an A2 use and the upper floor is to be a one bedroom flat with an internal bin store. The ground floor

currently has an opening which accessed the former 'ladies' toilet, which incorporates a beam. The beam and wall which support the gable wall of No. 3 Union Street (which has a 'flying freehold' above this internal passageway) are not proposed to be altered by the proposals.

A number of pre-application and ongoing discussions have been undertaken with the applicants' agent in respect of the originally submitted scheme and as a result amended plans have been submitted together with a Supplementary Statement from the Agent who also seeks to address the objections raised. The revised drawings, principally demonstrate changes to the rear elevation, where the projecting extension overhung the yard.

1. It is confirmed that the applicant does not have possessory title over the rear yard and in respect to this, the amended plans indicate a redesign of the rear elevation. This redesign includes removing the overhanging jetty section and replacing the clear glazed window with a smaller obscure glazed window which will serve the bathroom instead of the second bedroom.
2. The door to the upper floor flat has been repositioned lower down The Channel and whilst The Channel is narrow at this point, this means that the users of The Channel can use a handrail on either side.
3. Ample internal bin storage has been indicated on previous issue drawings and the revised drawings (Rev 1D) show an internal bin store cupboard to the first floor apartment adjacent to the access door. Highways have raised no concerns with increased levels of waste.
4. The proposed access off The Channel is in a safe and convenient position and complies with highway safety. There are two existing access ways into the front elevation, however the former 'ladies' entrance is below a flying freehold of No. 3 Union Street and therefore offers little scope for an access to a first floor without significant impact on the ground floor space. Similarly using the former 'gents' access would deprive the ground floor of valuable space, due to the buildings shape and variance in levels.
5. National Planning Policy guidance makes specific reference to sustainability and to ensuring the vitality of town centres, the three principles of sustainability being economic, social and environmental. It is considered that the development satisfies all three as it will provide a new A2 class premises in the heart of the town, encouraging a new business to open or relocate and encourage more trade into the Market Place and Town Centre. It will help provide revenue to the local community and therefore support local services. It will provide high quality low cost accommodation in the heart of the town and make good use of a derelict and dysfunctional building. As a town centre development it is a sustainable location for commercial and residential considerations being close to amenities, with ample public parking, close to public parks and open spaces.
6. The location of the building within the Conservation Area and in relation to the adjacent listed building have influenced the design of the first floor extension and remodelling of the ground floor structure. Earlier proposals which reflected the more vernacular style of adjacent buildings led to concerns over proximity, the required height to achieve a vernacular style and the relationship to the adjacent buildings which would have impacted upon neighbouring buildings across the Channel. Following numerous pre-application discussions, it was considered that a more contemporary approach be taken. The design seeks to lessen the impact on the adjacent buildings by allowing a lower roof pitch and style, allowing more freedom of window proportions not restricted by vernacular considerations. The design and

window proportions are therefore considered appropriate in the context of the development and given the many constraints.

7. The objections in respect of internal layout and building control and fire spread are factually incorrect and misleading. All rooms will have natural light and ventilation including mechanical ventilation to the bathroom and a means of escape to the upper floor bedroom. The development principles have been discussed with DDDC building control and the proposed openings will be compliant and will be addressed as part of the formal building control process.

RELEVANT HISTORY:

14/00639/LBALT Extension of and alterations to building (No. 3 Union Street). Pending.

14/00349/FUL Redevelopment of former toilet block to Use Class A2 at ground floor and first floor apartment. Withdrawn.

CONSULTATIONS:

Town Council

Object. Members raised concerns about the door being located at the narrowest point and the impact on resident safety and lack of amenity space.

Local Highway Authority

No objections. Whilst the site does not offer any off-street parking facility for either of the proposed uses, there is parking readily available within the close vicinity of the site in the form of a public car park. The minor increase in demand for on-street parking the proposals may generate, is of no concern from a highway safety viewpoint as existing yellow lines have been laid on Union Street where it has been deemed unsafe or inconvenient to park. Furthermore all deliveries associated with the proposed retail (actually A2 use) can take place at the carriageway edge to the front of the premises without interfering with the safe and efficient movement of traffic on Union Street.

Conservation Advisory Forum

CAF were re-appraised of their comments on the initial scheme made in June 2014 (application 14/00349/FUL) and confirmed that they remain pertinent with regard to the current submission. As an addendum to June 2014 comments, CAF were disappointed that none of their comments had been addressed by the current scheme.

Members objected to the scheme as they considered that the proposals :-

- o Are not sensitive to the surrounding buildings and the form and scale of the proposed building does not relate well to the context of the site / neighbouring properties.
- o Do not demonstrate an outstanding piece of contemporary architecture
- o Create an odd external appearance due to the fact that the proposed proportions / hierarchy of the building (by reducing the height of the existing cornice and raising the wall above to create a similar proportion of wall to that for the ground floor) impacts detrimentally on the scale and appearance of the building.
- o Include a proposed roof design which is over-complicated. Consider that a flat roof behind a parapet with integral roof-lights may be less visually invasive. There was also a suggestion of glazed walls to the side / front elevation above the cornice level (possibly tinted out?).
- o Will involve large openings being made to the existing ground floor elevations, which were considered inappropriate for this use. The loss of such an extent of brickwork meant that Members queried why the building

was not being demolished and re-built from ground level, which would allow the site to be more appropriately addressed.

- Concerns were raised over:-
 - the colour of the render particularly as it is shown on the plans as 'very light';
 - the design and extent of proposed fenestration which was considered excessive and
 - the roofing material, which was considered to give a more industrial character to the scheme.
- Consider the existing building presents a 'bulky' appearance and the proposed scheme will compound that bulkiness by increasing its wall height and including a pitched roof.
- Considered that the scheme requires an architect skilled in contemporary design to redesign the scheme.
- Members queried whether there were any historic photographs of the site, indicating the form of building that may have been there historically.

REPRESENTATIONS:

1. An initial objection was made by the neighbour (via his solicitor) who had concerns that the proposed development extended at first floor level over the yard at the rear of the former toilets. This is not owned by the applicant and the neighbour is claiming title by virtue of the fact that he is the only person who has access to it and has been for approximately 40 years. The neighbour has a clear glazed window in their property at first floor level which may in the future be overlooked as a result of the way that the proposed development has been designed at first floor level and which may lead to a loss of privacy.

Following re-consultation on the amended plans, the neighbour has confirmed that as there is no structural intrusion onto or over land outside the boundaries of the applicants land and now raises no objection to the application.

2. A second objection has been received from a neighbour in the locality who objects for the following reasons:-
 - a. Impact on the safety of residents and members of the public using The Channel. The proposed application includes forming a new access off The Channel at the narrowest, 1.1m wide and steepest part of The Channel. To do this will require the removal of part of the existing continuous handrail which runs along that side of The Channel. Access at this part is treacherous at the best of time, when the cobbles are wet or icy. It is simply not an option to change sides as suggested in the Design and Access Statement. Furthermore the handrail is not within the site or ownership of the applicant and it appears that they have not consulted or obtained the permission of the owner to alter it.
 - b. The applicant has clearly given no thought to refuse storage and collection and how this will occur.
 - c. There is no external amenity space for the proposed dwelling in which to store bins or recycling, bicycles etc. While refuse collection from the houses on The Channel occurs Friday morning and alternates between a maximum of 4 black sacks and a food caddy or a blue box, blue bag and food caddy. These have to be left on The Channel as close as possible to the front doors of the properties. Therefore the occupants of this dwelling will need to have their rubbish at the narrowest point of The Channel, potentially from late on Thursday evening through to Friday evening when they get home from work. This will block access

on a public street, particularly for parents with pushchairs and creating a significant trip hazard to residents and members of the public using The Channel for access.

- d. There are no valid planning reasons for creating a new access off of The Channel and in doing so the proposals present a real and significant risk to the users of The Channel. The building currently has 2 perfectly viable separate entrances off Union Street, which if utilised would provide perfectly adequate access to the proposed office and dwelling and also the opportunity for storing refuse and recycling. Without impacting on access of The Channels' existing residents (many of whom are elderly and require the use of sticks to aid their movement).
- e. Whilst I fully support the principle of renovation and the re-use of buildings, the proposals as they stand present a real and unacceptable impact of the safety and access of the existing residents and members of the public and as such should be refused.
- f. While the conversion to A2 use of the ground floor is appropriate and could be argued to be sustainable development, the proposed dwelling with its lack of external space and potential impact on existing public access and safety make it unsustainable in its present form and contrary to National Planning Policy and therefore it should be refused.
- g. The proposal also has some questionable design details. The proposals are on the edge of the Ashbourne Conservation Area but the proposed window detailing is bland and simplistic and not in keeping with the area. Furthermore, the proposed windows to the office are again featureless and do nothing to add to the sense of place or take account of the guidance provided in DDDC Shop-front and Commercial Design Guide.
- h. The internal spaces are poorly arranged, many without natural lighting or ventilation, while the proposed openings directly on the boundary wall are contrary to current building regulations with regard to the spread of fire. These windows are into a habitable room and once the size issues are addressed they will not be openable. Therefore, the only openable window will be on the front elevation, which will open onto a very noisy road and pub opposite, not ideal for living and particularly bedroom space as suggested. The NPPF requires the replacement of "poor design with better", the proposed design does nothing to identify the strengths of the existing building and add to these with good contemporary design. Therefore the proposals do not contribute in a positive way to the existing street-scene in this prominent location and as such should be refused.

Following amended plans being submitted and reconsidered, this objector now makes the following comments as he does not consider that the revised drawings address the impact of access and use of The Channel by existing residents.

- a. The door has been relocated slightly further down The Channel, into a position similar to the first application which was withdrawn. The objections therefore remain that once the doorway is formed, this is where the refuse will have to left for collection, regardless of being a one or two bedroom flat. As previously stated, this will block the Channel (see comments in C above).
- b. The NPPF supports developments as long as the adverse impacts are not significant and demonstrably more than the benefits. The economic benefits from a one bedroom apartment in no way offset the adverse impact this development has on existing residents and users of The Channel by effectively cutting off access for a period of 14 hours per week, if it is assumed that rubbish is put out before going

to bed at 10pm and all bins are collected before noon the next day. This adverse impact could be easily removed by using the (former) 'gents' entrance door. This would result in a loss of approximately 2 to 3 sq m in forming the bottom of a stair, entrance lobby and landing. It would not be a lot larger than the space already lost in the flat in creating a bin store and would be far more appropriate than keeping rubbish directly outside a bathroom for a fortnight.

- c. We would like to point out that the location of the proposed door still does not comply with building regulations as it is an opening within 1m of the boundary, which for building regulations would be in the centre of The Channel. Furthermore being opposite an existing doorway it presents a considerable risk of spread of fire contrary to the building regulations.
 - d. While we support the redevelopment of this property as office and potential accommodation, our objection remains. In its current form this is not a sustainable project. Its impact on neighbouring resident's amenity is unacceptable and it will present a considerable risk to public and residents safety every week between Thursday evening and Friday lunch time.
3. A third objection has been received from a member of the public who considers the design of the proposed upper storey is out of keeping with the surrounding context and agrees with the comments made by Ashbourne Town Council.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)

- SF1 : Development within Settlement Framework Boundaries
- SF5 : Design and Appearance of Development
- H1 : New Housing Development within Settlement Framework Boundaries
- H9 : Design and Appearance of New Housing
- EDT4 : Other Existing Employment Land and Business Premises
- EDT5 : Industrial and Business Development within Settlement Frameworks
- EDT6 : Conversion and Re-use of Buildings for Industrial and Business Development within Settlement Frameworks.
- EDT8 : Design and Appearance of New Industrial and Business Premises
- NBE 16 : Development Affecting A Listed Building
- NBE 17 Alterations and Extensions to a Listed Building
- NBE 21 : Development Affecting a Conservation Area
- S1 : Retail Development in the Town Centre
- S6 : The Appearance of Shops and Commercial Premises
- TR1 : Access Requirements and the Impact of New Development
- TR8 : Parking Requirements for New Development
- L10c : Leisure Routes and Trails (Ashbourne Scenic Heritage Trail)

2. Other

- (i) National Planning Policy Framework (March 2012)
 - Part 7: Design
 - Part 12 : Conserving and Enhancing the Historic Environment
- (ii) National Planning Policy Guidance (August 2103 amended March 2014)
- (iii). Historic Environment Planning Practice Guide (English Heritage 2010)
- (iv) DDDC Supplementary Planning Document 'Shop Fronts and Commercial Properties Design Guidance' 2006 (modified 2012).
- (v) Ashbourne Conservation Area Appraisal (2008)

ISSUES:

1. Background

Following the sale of the former toilet block by DDDC, the current owner is intending to utilise the ground floor (the former toilets) as an A2 use, but in addition, extend above to create a one-bedroom residential apartment.

Initially, a three-storey property was tabled (at pre-application stage), which attempted to mirror the traditional cottage style of properties along Union Street. It was considered that this approach was not appropriate for the site as it presented a poor 'pastiche' of the traditional historic buildings in the locality, particularly as the building is attached to a Grade II listed building. The scale and height of this proposal (3-storey) was also likely to have had an adverse impact on the amenity of the surrounding residential properties. In townscape terms it was considered that the proposal could conflict with the associated properties on The Channel and also on views from the Market Place to the buildings and from The Channel to the Market Place.

Whilst the former toilet block has a limited degree of significance, it was a part of the towns local amenity and it was considered that retaining this form and scale at ground level could therefore be supported. There has not been any suggestion of demolishing the former toilet block and completely rebuilding due to constructional retaining issues associated with The Channel itself. The applicant has therefore chosen to retain this ground floor element, albeit with significant changes to its external frontage, and extend above to create an apartment. In order to facilitate this option, it was considered at pre-application stage that this extension should preferably exhibit a simple design and appearance and not adversely impact on the amenity of the neighbouring properties. To introduce a mock 'historic' form of extension to a mid-20th century building of such a unique building type was also not considered appropriate. As such the principle of a two-storey building could be supported in principle, subject to securing a satisfactory design / appearance and its resultant impact on local residents and this part of the townscape / Conservation Area being acceptable.

2. Assessment

In assessing the application details as submitted, the main issues to consider are:-

(i) The Proposed Change of Use

It is considered that the proposed change of use from a vacant (former toilet block) to an A2 use (financial and professional) and potentially residential (subject to the proposed extension) for an upper floor level are appropriate uses for this town centre location. In this position the proposed development, is located within the defined retail area on the edge of the Primary Shopping Frontage to the south of the site with mainly residential properties to the north. As such the proposals will add to the overall viability, vitality and mixed uses within the area. It will also bring back into a sustainable end use a former toilet block which has not been in use or maintained for some time and therefore could remain vacant and result in a potentially derelict building in the town. It is considered that the proposed uses are therefore in accordance with the Adopted Local Plan, particularly policies SF1, EDT6, EDT11, EDT17 and S1.

The applicant noted that required opening hours are currently unknown. As the premises are within a predominantly retail area, but alongside residential property, it

is considered that the commercial use should have identified opening hours. It is considered that these could be controlled by Condition.

(ii) Impact on Amenity of Neighbouring Residents

Concerns have been raised regarding the potential blocking of The Channel by household refuse awaiting collection. The applicant has identified internal provision for bin storage to both floors. Externally there is space on the pavement fronting the property (onto Union Street) for refuse bins/bags to be deposited for collection. However the objection relates to rubbish being left in The Channel during the time prior to collection. Waste from the upper floor property would be in the form of sacks as The Channel is too steep and dangerous for a wheeled bin and waste would have to be deposited for collection by 7am on the relevant day. Waste from the flat could be deposited at the base of The Channel / Union Street for collection, to minimise any restricted access along the walkway. Whilst leaving waste outside the door on The Channel is not desirable, having taken direct advice from the Highway Authority, who own the public walkway, they have raised no objections. Any potential future blocking of The Channel would be a matter for action by the Highway Authority.

The revised plans indicate that the new doorway along The Channel will result in removal of a length of handrail, where the door is located. However the door has been positioned so that there would always be a handrail available (on both or either side of the walkway). The walkway is narrow at this point and can easily be reached on either side. There are no objections for the removal of this section of handrail from the Highway Authority (who own the handrail).

A further objection has been on the grounds of no external amenity space. A number of properties in Ashbourne are flats / apartments and do not benefit from external amenity space. The upper floor is proposed to be a one bedroom flat and although it has no dedicated amenity space, it is in close proximity to local facilities within the town.

No other objections have been received from neighbouring properties.

(iii) External Design and Appearance

As previously discussed, a modern extension above the retained ground floor building was considered to be an acceptable approach. The scale of the existing building is such, that to extend above the unit was liable to impact on neighbouring properties. Hence only one additional storey is proposed and this has been kept as low as possible. In introducing a modern extension to this brick structure, the intention was not to add visual 'weight' to the existing building by using brick but a more visually lightweight material, hence the proposal to use render. In this respect the proposed materials are a grey pigmented render and a dark grey metal roof. Doors and windows are to be dark grey powder coated aluminium, although the details of these have not been provided and need to be addressed by Condition. The form of the roof has been governed by potential overlooking issues associated with the adjacent properties and the need to provide additional light to the upper floor flat.

Objections have been made to the design. It is accepted that modern design can be subjective and to extend this building, given the constraints of the site, is made more difficult by seeking an adaptation of an existing mid-20th century building

rather than demolition and a complete redesign and rebuild. Whilst there are many ways that a contemporary design could be approached, some as suggested by the Conservation Advisory Forum, it is considered that the scale and form of development is appropriate to its context at the foot of The Channel and to the neighbouring buildings. It is acknowledged that the proportions of the building have been altered by reducing the current height of the cornice detail, but the ground floor building will still appear the more dominant element in its proposed height and materials (red brick). It is acknowledged that the front wall will, in all probability, require a rebuild. It is also recognised that the building will appear quite different to the character and appearance of the surrounding traditional properties, which it could be argued was the case with the former toilet block. The proposed roof design seeks to respect the amenity of the neighbouring properties, whilst allowing the retention of the view of buildings further up The Channel when viewed from the Market Place) and views of the Market Place, when descending The Channel. A metal roof was considered acceptable for this modern addition as it should provide a relatively lightweight appearance. The large windows to the ground floor will allow light to permeate to the rear of the retail unit and provide it with an adequate window frontage onto the street. Exterior lighting is also proposed at the base of The Channel and part way along, at a height of 1.6 metres above ground level to illuminate the pathway. No details have been provided on this or in connection with the other specific elements above, but it is considered these can be addressed by Condition. On the above merits it is considered that the development is in accordance with policies SF1, SF5, H1, H9, EDT6, EDT8, S1 and S6 of the Adopted Derbyshire Dales Local Plan.

The National Planning Policy Framework (Part 7) recommends that development should *'respond to local character and reflect the identity of local surroundings and materials, whilst not discouraging innovative development'* and that *'decisions should not impose architectural styles or tastes and not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms / styles'*. It is acknowledged that this is a finely balanced argument as the building in question is a mid-20th century former toilet block and in itself does not mirror the traditional development alongside. Therefore its enlargement / alteration has no clearly identifiable architectural style to follow and the design concept is based on a variety of factors, as detailed above. The use of brick and render seek to echo local materials and whilst metal for the roofing is not widely used in the area, it is nevertheless a traditional material and creates a more utilitarian and lightweight appearance for its context.

In summary the proposed design, scale, materials and overall appearance are considered to present a relatively low key, simply presented modern scheme which is not intended to appear residential, but be more representative of a none domestic/utilitarian building, from which the original building is derived.

(iv) Effect on Heritage Assets

The existing building is attached to, and utilises the enclosed passageway adjacent to, No. 3 Union Street which is a Grade II listed building. The proposals impact on the adjoining listed building by virtue of attaching the proposed upper storey walls and principally the flat roof area, to the brick walls and rendered gable respectively.

The overall building footprint and reconstructed scale of the lower storey, are not considered to have a harmful impact on the listed building, given the building that currently exists.

In raising the height of the new rendered walls, by a metre, adjacent / abutting the listed building, it is not considered that this additional upper storey development will cause any significant harm to this designated heritage asset. Similarly the abutment of the flat roof area adjoining the rendered gable, which again currently exists albeit at a lower level, is not considered to have a harmful impact on the special character and appearance of the building. However, notwithstanding the proposals the building owner would need to agree to such physical works. The visual impact of the proposed extension as affecting the setting of the listed building presents a continuation of a building form which is wholly different in character and appearance to the listed building, but nevertheless does not dominate or compete with the listed building or other buildings in the vicinity.

It is therefore considered that the proposals are in accordance with policies NBE16 and NBE 17 of the Adopted Derbyshire Dales Local Plan.

Similarly the building is situated within the Conservation Area in a prominent position facing the Market Place and will be highly visible from many public vantage points. It has been acknowledged that this building design does not mirror or mimic other traditional buildings in the locale but, as previously discussed, it is not considered appropriate to recommend a building which would in essence be a pastiche of the existing traditional buildings. Part 12 of the National Planning Policy framework state that *'opportunities for new development within conservation areas should enhance or better reveal their significance'*. The ethos for developing this site, in bringing it into a viable and sustainable end use, has presented a reforming of an existing 20th century building together with an upper floor extension and is based on the premise of modern principles, which guidance in Part 12 of the National Planning Policy Framework and policy NBE21 of the Adopted Derbyshire Dales Local Plan would generally support.

Whilst it is appreciated that it is a finely balanced argument, in consideration of all the above factors, it is recommended that the application is supported.

OFFICER RECOMMENDATION:

That planning permission is approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding the submitted application and prior to the ground floor unit being brought into the approved use, details of the proposed opening hours shall be submitted to, and approved in writing by the Local Planning Authority. The unit shall thereafter be operated in accordance with the approved details unless the Local Planning Authority gives prior written approval to any variation.
3. Prior to commencement of development, samples of all external facing materials, including replacement bricks, shall be made available for inspection, and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with that written approval.

4. Prior to commencement of development and notwithstanding the submitted details, drawings of all the proposed windows and doors at a scale of 1:10, including typical horizontal and vertical sections at a scale of 1:2, depth of recess (which should be 100mm minimum from face of wall to face of perimeter frame) and proposed colour(s) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
5. Prior to commencement of development and notwithstanding the submitted details, typical details at a scale of 1:2 of the overall roof construction (i.e. build-up of the pitched roof construction including the pitched roof overhang to the eaves, gables and ridge) and indicating the extent of projection, depth and method of cladding as well as a typical abutment detail of the vertical rendered wall to the roof detail shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
6. Prior to commencement of development and notwithstanding the submitted details, typical details at a scale of 1:2 of the abutment and flashing details of the flat roof section adjacent to the gable end of the listed building shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
7. Prior to commencement of development full details of the rainwater disposal system for the pitched roof, including the type of guttering, materials, shape, method of fixing, number and location of downpipes and method of rainwater disposal from the flat roof including any outlet details through the rendered walling / parapet shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
8. Prior to commencement of development details of the coping stones to the parapet (materials, size, and method of fixing) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
9. Prior to commencement of development and notwithstanding the submitted details, a sample panel of 0.5 sq m of the render to indicate texture and colour) shall be provided for inspection, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
10. Prior to commencement of development and notwithstanding the submitted details, a methodology statement on how the new openings are to be formed within the existing brickwork and how any 'patching in' / 'making good' of brickwork will be undertaken. This should include details of any new / replacement bricks, brick bond and thickness of mortar joints. If any new / replacement bricks are required, a sample shall be submitted for approval. In addition a typical drawn detail shall be submitted to indicate the abutment between the brickwork and render to the side elevation.
11. Prior to commencement of development and notwithstanding the submitted details, a typical sectional detail at a scale of 1:2 of the proposed lintel over the new ground floor openings and the proposed cill detail to the ground floor windows shall be

submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval.

12. Notwithstanding the submitted details, the exact location of the exterior lighting on the building and details of the lighting units shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with that written approval
13. Notwithstanding the submitted details the existing cornice shall be reused in the development. If any new sections are required these shall match the existing in all respects.
14. Notwithstanding the submitted details no vents, grilles, pipework, cabling etc., shall be introduced to any part of the exterior without the written prior approval of the Local Planning Authority. The development shall be undertaken in accordance with that written approval.
15. Notwithstanding the submitted details, no external fixtures and fittings shall be attached to the building without the written prior approval of the Local Planning Authority. The development shall be undertaken in accordance with that written approval.

Reasons:

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in accordance with the aims of policies SF1, SF5, and S1 of the Adopted Derbyshire Dales Local Plan (2005).
- 3-15. For the avoidance of doubt and to ensure a satisfactory appearance of the development in the interests of conserving and enhancing the character and appearance of the streetscape; this part of the Conservation Area and in accordance with policies SF5, EDT8, NBE21 and S6 of the Adopted Derbyshire Dales Local Plan (2005) and the National Planning Policy Framework.

Footnotes

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to matters of design and appearance.
2. This decision notice relates to the following documents:
 - Design and Access Statement received 4th November 2014
 - Heritage Statement received 4th November 2014
 - Site location Plan at a scale of 1:1250 received 4th November 2014
 - Letter from Ashtton Associates dated 8th January 2015
 - Drawing No. A.01 rev 1D Existing Plans, Elevations, 3D View and OS data (Amended plan) Scale 1:100; 1:1250; 1:500 and 1:50 received 8th January 2015
 - Drawing No. A.02 rev 1D Proposed Plans, Elevations and 3D View (Amended plan) Scale 1:100, and 1:50 received 8th January 2015

- Drawing No. A.03 rev 1D Planning Drawing (Amended plan) Scale 1:10 and 1:50 received 8th January 2015

3. The applicant is advised that the occupiers of the upper floor apartment should be made aware (either via their lease or through a covenant) that household waste should be deposited on Union Street for collection and not left on The Channel, where it could constitute a potential safety issue.

4. Whilst permission is granted for the proposed development this permission does not override any private property rights with respect to abutments / attachments of the extension to the listed property. Written agreement should be sought from the adjacent owner for such works, prior to those works taking place.

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14/00639/LBALT

Former public conveniences, Union Street, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 28/01/2015

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

**14/00639/LBALT EXTENSION OF, AND ALTERATIONS TO, FORMER TOILET
BLOCK, MARKET PLACE, ASHBOURNE FOR MR M MORABBI.**

Town Council: Ashbourne
Application type: Listed Building

Date of receipt: 04.11.14
Case Officer: Mrs T. Shaw

THE SITE AND SURROUNDINGS:

No 3 Union Street, Ashbourne is a 19th century grade II listed building located in the Ashbourne Conservation Area. This residential property is constructed in red brick, with a plain clay tile roof and comprises three storeys, the gable end which faces The Channel being blank (i.e. no openings) and rendered. To the rear is a small enclosed yard which is independently accessed from No. 3 Union Street only. The works which affect this property are those principally proposed by the corresponding planning application 14/00640/FUL to extend the attached single storey building in order to redevelop the former toilet block together with the construction of an upper floor extension which is to be attached to No.3. Union Street at the upper level.

The former public conveniences are currently attached to No 3 Union Street at ground floor level and incorporate an enclosed passageway, presumably originally a 'gennel' between No. 3 and an earlier property, since demolished. It is proposed that the ground floor of the former toilets, including this passageway which sits below a 'flying freehold of No. 3 Union Street, will be used for an A2 use. Above, an extension is proposed to create a one bedroom flat. The ground floor currently has an opening in the end gable of No. 3 Union Street which accessed the former 'ladies' toilet, and which incorporates a beam. The beam and wall support the upper gable wall of No. 3 Union Street and are not proposed to be altered by the proposals.

The former toilets date from circa mid-20th century and are located close to the junction of Union Street and Buxton Road. They are however prominent in the street-scene facing the Market Place and are situated within the Ashbourne Conservation Area. The former toilet building is of a simple form, (footprint, scale and mass) and of a plain appearance, constructed in brick with a moulded cornice and coped parapet which conceals a flat roof. The building has few architectural details, other than the door surrounds, one to the main elevation of the toilets and one which has been installed which 'fronts' the passageway. There are horizontal windows at high level facing onto Union Street. The building is single storey and steps back up the Channel. The side elevation forms the enclosure to the north of the former toilet block, to which the cornice extends part way at higher level and to which there is a continuous handrail along The Channel. There are no openings in this elevation, or to the rear elevation and the building has no access out onto the rear yard.

To the rear of the former toilets is a small yard which is both overlooked and accessed by No. 3 Union Street and can be seen from The Channel itself.

THE APPLICATION:

This application seeks listed building consent for the proposed upper floor extension to be attached to the listed building, No. 3 Union Street.

In terms of external alterations, the height of the former toilet building is to be raised to create an upper storey. The existing height is approximately 4.9m high to the parapet wall level and is to be increased to 5.9 metres. The proposed roof is to be part flat and part mono-pitch, constructed in a seamed metal, incorporating high level windows which will face the blank gable end of No. 3 Union Street. The external walls are to remain brick to

the ground floor with a number of new openings made for windows and doors and the moulded cornice is to be reused at a lower height (circa 1m lower) to both the front elevation and part side elevation (as existing) with a rendered upper floor. The entrance will be from the former 'Ladies' entrance with large windows at ground and first floor level. The new windows and doors and rainwater goods are to be grey powder coated aluminium..

RELEVANT HISTORY:

14/00640/FUL Redevelopment of former toilet block to use class A2 at ground floor and first floor apartment. Pending.

14/00349/FUL Redevelopment of former toilet block to Use Class A2 at ground floor and first floor apartment. Withdrawn.

CONSULTATIONS:

Town Council

Object. Members raised concerns about the door being located at the narrowest point and the impact on resident safety and lack of amenity space.

Local Highway Authority

No objections to Listed Building Application

Conservation Advisory Forum

CAF were re-appraised of their comments on the initial scheme made in June 2014 (application 14/00349/FUL) and confirmed that they remain pertinent with regard to the current submission. As an addendum to June 2014 comments, CAF were disappointed that none of their comments had been addressed by the current scheme.

Members objected to the scheme as they considered that the proposals :-

- Are not sensitive to the surrounding buildings and the form and scale of the proposed building does not relate well to the context of the site / neighbouring properties.
- Do not demonstrate an outstanding piece of contemporary architecture
- Create an odd external appearance due to the fact that the proposed proportions / hierarchy of the building (by reducing the height of the existing cornice and raising the wall above to create a similar proportion of wall to that for the ground floor) impacts detrimentally on the scale and appearance of the building.
- Include a proposed roof design which is over-complicated. Consider that a flat roof behind a parapet with integral roof-lights may be less visually invasive. There was also a suggestion of glazed walls to the side / front elevation above the cornice level (possibly tinted out?).
- Will involve large openings being made to the existing ground floor elevations, which were considered inappropriate for this use. The loss of such an extent of brickwork meant that Members queried why the building was not being demolished and re-built from ground level, which would allow the site to be more appropriately addressed.
- Concerns were raised over:-
 - the colour of the render particularly as it is shown on the plans as 'very light';
 - the design and extent of proposed fenestration which was considered excessive and

- the roofing material, which was considered to give a more industrial character to the scheme.
- Consider the existing building presents a ‘bulky’ appearance and the proposed scheme will compound that bulkiness by increasing its wall height and including a pitched roof.
- Considered that the scheme requires an architect skilled in contemporary design to redesign the scheme.
- Members queried whether there were any historic photographs of the site, indicating the form of building that may have been there historically.

REPRESENTATIONS:

1. An initial objection was made by the neighbour (via his solicitor) who had concerns that the proposed development extended at first floor level over the yard at the rear of the former toilets. This is not owned by the applicant and the neighbour is claiming title by virtue of the fact that he is the only person who has access to it and has been for approximately 40 years. The neighbour has a clear glazed window in their property at first floor level which may in the future be overlooked as a result of the way that the proposed development has been designed at first floor level and which may lead to a loss of privacy.

Following re-consultation on the amended plans, the neighbour has confirmed that as there is no structural intrusion onto or over land outside the boundaries of the applicants land and now raises no objection to the application.

2. A second objection has been received from a neighbour in the locality who objects for the following reasons:-
 - a. Impact on the safety of residents and members of the public using The Channel. The proposed application includes forming a new access off The Channel at the narrowest, 1.1m wide and steepest part of The Channel. To do this will require the removal of part of the existing continuous handrail which runs along that side of The Channel. Access at this part is treacherous at the best of time, when the cobbles are wet or icy. It is simply not an option to change side as suggested in the Design and Access Statement. Furthermore the handrail is not within the site or ownership of the applicant and it appears that they have not consulted or obtained the permission of the owner to alter it.
 - b. The applicant has clearly given no thought to refuse storage and collection and how this will occur.
 - c. There is no external amenity space for the proposed dwelling in which to store bins or recycling, bicycles etc. While refuse collection from the houses on The Channel occurs Friday morning and alternates between a maximum of 4 black sacks and a food caddy or a blue box, blue bag and food caddy. These have to be left on The Channel as close as possible to the front doors of the properties. Therefore the occupants of this dwelling will need to have their rubbish at the narrowest point of The Channel, potentially from late on Thursday evening through to Friday evening when they get home from work. Blocking access on a public street, particularly for parents with pushchairs and creating a significant trip hazard to residents and members of the public using The Channel for access.
 - d. There are no valid planning reasons for creating a new access off of The Channel and in doing so the proposals present a real and significant risk to the users of The Channel. The building currently has 2 perfectly viable separate entrances off of Union Street, which if utilised would provide perfectly adequate

access to the proposed office and dwelling and also the opportunity for storing refuse and recycling. Without impacting on access of The Channels' existing residents (many of whom are elderly and require the use of sticks to aid their movement).

- e. Whilst I fully support the principle of renovation and the re-use of buildings, the proposals as they stand present a real and unacceptable impact of the safety and access of the existing residents and members of the public and as such should be refused.
- f. While the conversion to A2 use of the ground floor is appropriate and could be argued to be sustainable development, the proposed dwelling with its lack of external space and potential impact on existing public access and safety make it unsustainable in its present form and contrary to National Planning Policy and therefore it should be refused.
- g. The proposal also has some questionable design details. The proposals are on the edge of the Ashbourne Conservation Area but the proposed window detailing is bland and simplistic and not in keeping with the area. Furthermore, the proposed windows to the office are again featureless and do nothing to add to the sense of place or take account of the guidance provided in DDDC Shop-front and Commercial Design Guide.
- h. The internal spaces are poorly arranged, many without natural lighting or ventilation, while the proposed openings directly on the boundary wall are contrary to current building regulations with regard to the spread of fire. These windows are into a habitable room and once the size issues are addressed they will not be openable. Therefore, the only openable window will be on the front elevation, which will open onto a very noisy road and pub opposite, not ideal for living and particularly bedroom space as suggested. The NPPF requires the replacement of "poor design with better", the proposed design does nothing to identify the strengths of the existing building and add to these with good contemporary design. Therefore the proposals do not contribute in a positive way to the existing street-scene in this prominent location and as such should be refused.

Following amended plans being submitted and reconsidered, this objector now makes the following comments as he does not consider that the revised drawings address the impact of access and use of The Channel by existing residents.

- a. The door has been relocated slightly further down The Channel, into a position similar to the first application which was withdrawn. The objections therefore remain that once the doorway is formed, this is where the refuse will have to left for collection, regardless of being a one or two bedroom flat. As previously stated, this will block the Channel (see comments in C above).
- b. The NPPF supports developments as long as the adverse impacts are not significant and demonstrably more than the benefits. The economic benefits from a one bedroom apartment in no way offset the adverse impact this development has on existing residents and users of The Channel by effectively cutting off access for a period of 14 hours per week, if it is assumed that rubbish is put out before going to bed at 10pm and all bins are collected before noon the next day. This adverse impact could be easily removed by using the (former) 'gents' entrance door. This would result in a loss of approximately 2 to 3 sq m in forming the bottom of a stair, entrance lobby and landing. It would not be a lot larger than the space already lost in the flat in creating a bin store and would be far more appropriate than keeping rubbish directly outside a bathroom for a fortnight.

- c. We would like to point out that the location of the proposed door still does not comply with building regulations as it is an opening within 1m of the boundary, which for building regulations would be in the centre of The Channel. Furthermore being opposite an existing doorway it presents a considerable risk of spread of fire contrary to the building regulations.
 - d. While we support the redevelopment of this property as office and potential accommodation, our objection remains. In its current form this is not a sustainable project. Its impact on neighbouring resident's amenity is unacceptable and it will present a considerable risk to public and residents safety every week between Thursday evening and Friday lunch time.
3. A third objection has been received from a member of the public who considers the design of the proposed upper storey is out of keeping with the surrounding context and agrees with the comments made by Ashbourne Town Council.

POLICIES:

National Planning Policy Framework (March 2012)

- Part 7: Design
- Part 12 : Conserving and Enhancing the Historic Environment

National Planning Policy Guidance (August 2103 amended March 2014)

Historic Environment Planning Practice Guide (English Heritage 2010)

ISSUES:

Following the sale of the former toilet block by DDDC, the current owner is intending to utilise the ground floor (the former toilets) as an A2 use, but in addition, extend above to create a one bedroom residential apartment. The details of this development are considered in the corresponding application for planning permission. This application relates only to the impact of those works on the special character and appearance of No. 3 Union Street.

Pre-application and ongoing discussions have been undertaken with the applicants' agent in respect of the originally submitted scheme and as a result amended plans have been submitted together with a Statement from the Agent. In respect of the objections raised above, none of them are pertinent to this application, which deals solely with the impact of the works on the listed building.

The existing building is attached to, and utilises the enclosed passageway adjacent to, No. 3 Union Street which is a Grade II listed building. The proposals impact on the adjoining listed building by virtue of attaching the proposed upper storey walls and principally the flat roof area, to the brick walls and rendered gable respectively.

The overall building footprint and reconstructed scale of the lower storey are not considered to have a harmful impact on the listed building, given the building that currently exists.

In raising the height of the new rendered walls, by a metre, adjacent / abutting the listed building, it is not considered that this additional upper storey development will cause any significant harm to this designated heritage asset. Similarly the abutment of the flat roof area adjoining the rendered gable, which again currently exists albeit at a lower level, is not considered to have a harmful impact on the special character and appearance of the building, although a Condition requiring more detailed abutment and flashing detail of the

roof with the gable has been included below for clarity. However, notwithstanding the proposals the building owner would need to agree to such physical works.

The visual impact of the proposed extension as affecting the setting of the listed building is considered in the corresponding planning application.

It is considered that the works do not cause harm to the special character and appearance of the listed building and are in accordance with guidance in Part 12 of the National Planning Policy Framework.

OFFICER RECOMMENDATION:

That listed building consent is approved subject to the following conditions:-

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
2. Prior to commencement of works, samples of all external facing materials, including replacement bricks, shall be made available for inspection, and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with that written approval.
3. Prior to commencement of works and notwithstanding the submitted details, typical details at a scale of 1:2 of the abutment and flashing details of the flat roof section adjacent to the gable end of the listed building shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in accordance with that written approval.

Reasons:

1. This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2-3. For the avoidance of doubt and in the interests of conserving the character and appearance of the listed building and in accordance with the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

Footnotes

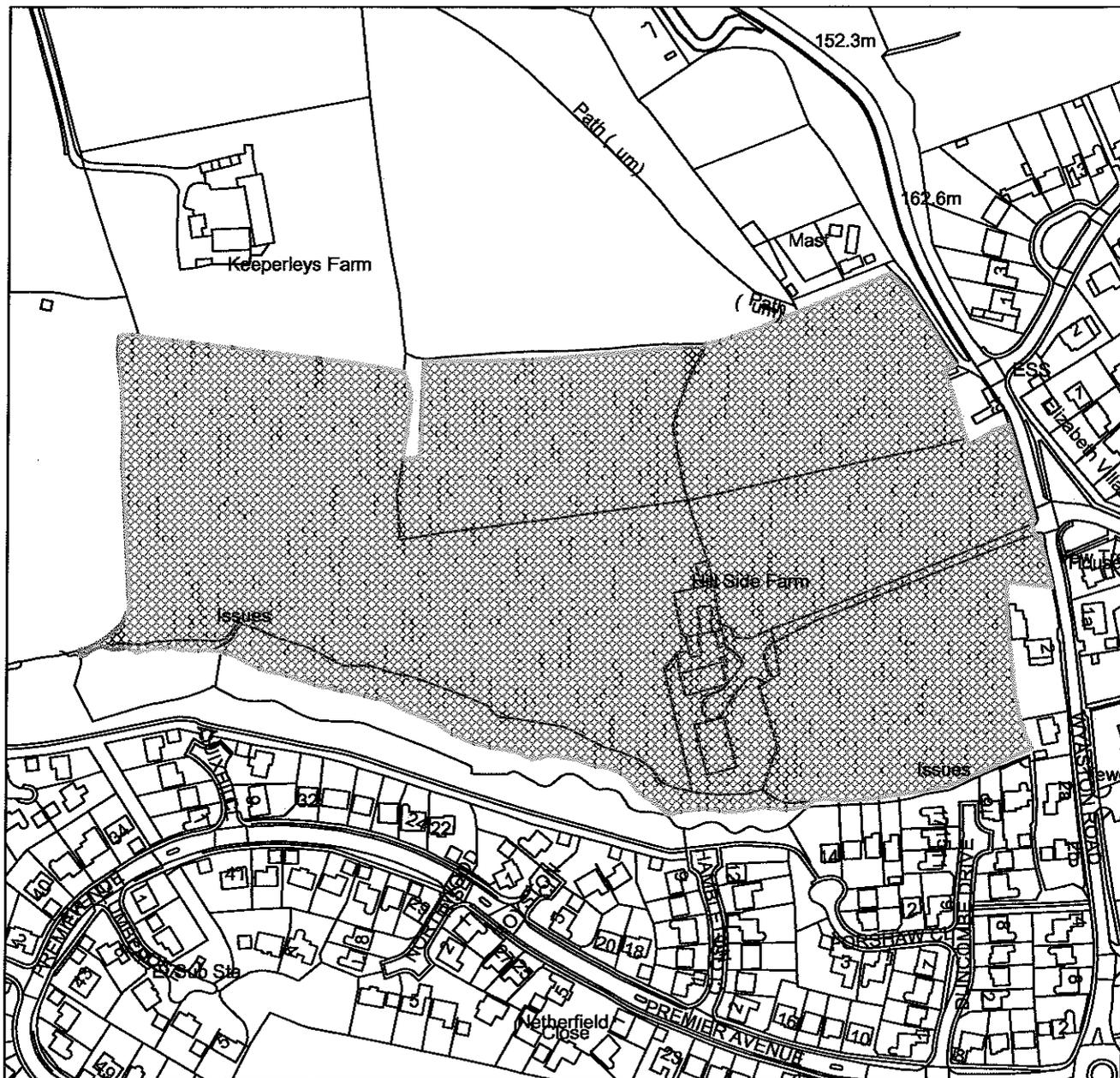
1. This decision notice relates to the following documents:
 - Design and Access Statement received 4th November 2014
 - Heritage Statement received 4th November 2014
 - Site location plan at a scale of 1:1250 received 4th November 2014
 - Letter from Ashtton Associates dated 8th January 2015
 - Drawing No. A.01 rev 1D Existing Plans, Elevations, 3D View and OS data (Amended plan) Scale 1:100; 1:1250; 1:500 and 1:50 received 8th January 2015
 - Drawing No. A.02 rev 1D Proposed Plans, Elevations and 3D View (Amended plan) Scale 1:100, and 1:50 received 8th January 2015
 - Drawing No. A.03 rev 1D Planning Drawing (Amended plan) Scale 1:10 and 1:50 received 8th January 2015

2. Whilst permission is granted for the proposed development this permission does not override any private property rights with respect to abutments / attachments of the extension to the listed property. Written agreement should be sought from the adjacent owner for such works, prior to those works taking place.

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14/00722/FUL

Hillside Farm, Wyaston Road, Ashbourne



Derbyshire Dales DC

1:3,000

Date: 28/01/2015

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

**14/00722/FUL DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS
AND RESIDENTIAL DEVELOPMENT OF 114 DWELLINGS AND
ASSOCIATED INFRASTRUCTURE AND OPEN SPACE AT
HILLSIDE FARM, WYASTON ROAD, ASHBOURNE FOR MR. M.
PASK**

Town Council: Ashbourne
Application type: Full

Date of receipt: 17.10.14
Case Officer: Mr. J. Bradbury

THE SITE AND SURROUNDINGS:

The application site is a 7.7 hectare parcel of land located to the west of Old Derby Hill / Wyaston Road, Ashbourne. The site is open farmland with a central group of farm buildings and dwelling (Hillside Farm) accessed from a driveway which runs east to west from the mini-roundabout where Old Derby Road and Wyaston Road meet. The two fields either side of the access drive are relatively flat whilst to the west of the farm grouping the land slopes down relatively steeply. The southern boundary of the site marks the line of a stream set within a deep river bed. A belt of trees line either side of this and beyond these to the south is the Premier Avenue housing estate. The remaining field boundaries are marked with hedges and hedgerow trees whilst mature trees are located both around Hillside Farm and in a line running east to west down the centre of the site to the west of the farm grouping.

To the west the application site bounds a further field, recently granted planning permission for housing, which itself bounds further housing at Lodge Farm Chase / Highfields Road. To the north the site is bounded by further agricultural land associated with Keeperleys Farm and to the north east lies a telecom mast. On the opposite side of Old Derby Road / Wyaston Road is housing. A group of trees on the south eastern boundary of the site are covered by a Tree Preservation Order.

The farmhouse at Hillside Farm is faced in a mix of red brick and render with a Staffordshire Blue tile roof. Traditional barns lie immediately to the south of the farmhouse with more modern agricultural buildings to the west of these.

The site lies outside the current Local Plan settlement boundary for Ashbourne but adjoins that boundary to the south and east.

THE APPLICATION:

Full planning permission was initially sought to erect 131 dwellings on the land. Following concerns that the layout and design / position of the some of the houses resulted in an uncohesive form of development that would have appeared cramped and out of tune with this part of the town, the density of the development was reduced and amendments to the position and design of some of the houses made. It is now proposed to erect 114 dwellings, 16 of which will be affordable bungalows aimed at the elderly and disabled. The mix of housing will comprise 16 no. bungalows (10 no. semi-detached and 6 no. 2 bed-roomed bungalows laid out in rows of three), 18 no. two-storey, three bedroomed semi-detached dwellings, a terrace of 4 no. 3 bedroomed dwellings and 76 no. three and four bedroomed, detached properties. In addition to delivering 16 affordable bungalows on site (14% of the total provision) the applicant also proposes to make a 22.5% off-site financial contribution towards affordable housing.

The Transport Assessment submitted with the application indicates that vehicular access to the site will be via a new fourth arm on the Old Hill / Wyaston Road / Old Derby Road mini-roundabout. The mini-roundabout will be upgraded to provide the dimensions of a standard roundabout with a central island. This will involve the removal of four mature hedgerow trees along the Wyaston Road frontage.

It is recognised in the accompanying Transport Assessment that the site is accessible by sustainable modes of transport with good opportunities for residents to access the site by foot, and reasonable opportunity to travel by bicycle and or public transport. Having calculated the likely vehicle trip rates associated with a development of 132 dwellings and having carried out an assessment of the road junctions, it is concluded that they would continue to operate comfortably within capacity. The upgraded access to Wyaston Road is the main point of access and will serve 104 dwellings whilst the remaining 10 dwellings will be accessed through Lodge Farm Chase. A link for pedestrians and cyclists would be provided between the dwellings accessed via Wyaston Road and Lodge Farm Chase.

Development is shown to be broadly concentrated in the areas shown in the illustrative masterplan submitted with outline application 13/00692/OUT. The central area of the site, highlighted by the District Council in assessing the potential of the site to accommodate new housing (as part of its local plan preparations) and in the independent appraisal by landscape consultants appointed by the Council, as of higher visual sensitivity has been predominantly retained as public open space, which will include a play area, new footpaths and a balancing pond.

An addendum to the landscape and visual appraisal which accompanied the aforementioned outline application advises that the proposals are not significantly different to those within the outline permission. The extra care facility to the north east corner of the development has been replaced with residential properties and development within the central part of the site reduced. The applicant advises that the street network is based around an irregular pattern of development blocks. The majority of the proposed dwellings will be 2 storeys high and no higher than 11.5m. Buildings have been designed to have a variation in their height from ground to ridge or eaves to create a varied roof line across the development. The house types proposed represent a mix of both historic and current styles, with detached and integral garage house types faced in a mixture of red brick, render, with timber frame detailing.

In the amended layout planted open spaces are retained either side of the access point into the site off the proposed fourth arm to the Old Hill / Wyaston Road / Old Derby Road mini roundabout.

Outline application 13/00692/OUT was accompanied by a number of supporting documents including:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Archaeological Desk-Based Assessment
- Ecological Appraisal
- Arboriculture Assessment
- Phase 1 Desk Study Site Investigation Report
- Transport Assessment
- Travel Plan

- Landscape and Visual Impact Appraisal

These documents have been updated and resubmitted with this application. The application is also accompanied by a marketing report which looks at the viability of the extra care units, a sewer capacity assessment, environmental management plan, a written scheme of investigation for archaeological work, an archaeological evaluation report and a bat survey report.

These documents have been available for public inspection on the case-file and have been appraised and circulated to the relevant consultees for consideration. Their extensive content is not reproduced in this report except where relevant to the discussion in the 'Issues' section of this report.

RELEVANT HISTORY:

13/00692/OUT Residential development of up to 125 dwellings, 65 no. extra care units and associated infrastructure and public space (outline) – Granted
 13/00255/OUT Residential development of up to 125 dwellings, 65 no. extra care units and associated infrastructure and public space (outline) – Refused (Appeal Withdrawn)

CONSULTATIONS:

Town Council:

Consultation response in respect of 131 Dwellings and associated infrastructure and open space

Object and make the following comments:

The Town Council point to a number of errors in the Design and Access Statement and question the validity of the application.

It is considered that there are far more suitable and sustainable sites available around Ashbourne such as the airfield, which could easily meet the additional level of housing required on a previous developed site without the loss of a greenfield site and raise the following concerns with regard to the economic, social and environmental aspects of the development, namely:

Economic

The proposal offers no opportunity for employment.

There are no shops or commercial facilities of any nature provided.

The affordable housing is way below the 40 to 45% and the type of affordable housing is unsuitable.

The house mix could damage the provision of jobs on the airfield estate.

Old Derby Road, Wyaston Road or Derby Hill are at capacity and, as such, further development will place considerable strain on an already overloaded transport network.

The proposals neither identify nor provide for the infrastructure improvements required by the NPPF.

Social – The application claims to meet housing need but provides little to no evidence to support this.

There is no housing need assessment to identify house types and the development provides virtually no affordable housing.

This application is one of a number of significant applications for housing. To date over 1000 houses have been approved, an increase of 25% in house numbers in Ashbourne in under 12 months. There is no evidence that this level of need is actually required or in itself sustainable.

It is quite clear that while the site is located geographically close to the town centre it is far from a short walk being located on a very steep hill. The layout is contrary to the advice given in Buildings for Life which seeks to avoid dead end cul de sac layouts.

A considerable number of properties are oriented to have north facing gardens and living spaces. This will result in a net heat loss and therefore actually increase energy demand over the year, when compared with a south, east or westerly orientation. This does nothing to address the issues of energy cost and potential fuel poverty which are key social factors for low income families and the elderly.

Environmental - The development is on a greenfield site. Previously developed land, brownfield, is available within Ashbourne.

The site is badly laid out to take maximum solar benefits from orientation.

The proposals include the removal of a hedgerow of high conservation value.

The proposed development will add considerable strain to at-capacity infrastructure including roads, schools and health provision.

All travel from the site for work or into town to shop, visit doctors, dentists or take children to school will be predominantly by car via Old Derby Road. This road was never designed to take this level of traffic. At peak times already it is gridlocked and the proposed site will only add to these problems while doing nothing to identify, address or resolve the issues.

The proposed houses are at best generic mass speculative house types common all over the land. They do little to create a sense of place or reflect the rich and quirky architectural heritage of Ashbourne.

In conclusion for the reasons stated we therefore do not believe the application can be described as either sustainable or of such economic benefit that it outweighs the disadvantages. Especially when sites, previously developed sites, are still available in and around the town. Therefore this application should be refused.

Consultation response in respect of amended scheme for 114 Dwellings and associated infrastructure and open space

Object – The Town Council reiterate their original comments and raise concerns regarding over-development, the loss of green fields when brownfield sites are available, the increase in traffic and accumulative effect of near-by developments, the lack of existing infrastructure in the town, the possible flood risk on Waterside Retail Park and that the design of the development could be anywhere in the country.

Local Highway Authority:

Whilst the Transport Assessment document does contain some flaws it does not alter the conclusions in highway terms and based on the permitted scale of development already approved the Highway Authority would not be in a position to raise sustainable objections in principle to the proposals for 131 No. dwellings. In addition and given the 'fall-back' position from the consents already issued for this site, it is unlikely the Highway Authority could now reasonably request financial contributions towards off-site highway improvements for this development.

The current application is a full application, therefore access and layout need to be considered in detail. The access to the development site is divided. A further extension of Lodge Farm Chase (for 10 No dwellings) is proposed, however, the primary development access for the majority of dwellings still remains as a roundabout access to Old Hill / Wyaston Road, approved as part of previous applications. This, along with the small extension to Lodge Farm Chase is considered acceptable in principle from a highway viewpoint, to serve the respective scales of development.

The internal estate street layouts are generally acceptable and accord with current adoptable criteria, in terms of geometry and layout. The Local Highway Authority advise that there are a number of issues to be resolved in respect of the Lodge Farm Chase extension and the part of the development served by Old Hill / Wyaston Road, including surfacing materials, pedestrian links to public rights of way, sightlines to shared driveways and the manoeuvrability of refuse and emergency vehicles. It is considered, however, that these matters can be dealt with by condition.

Should the Local Planning Authority be minded to approve the application, conditions which deal with the following are recommended in the interests of highway safety:

1. Construction management plan.
2. Street configuration and pedestrian link details.
3. Details of a temporary access for construction purposes.
4. Formation of the permanent roundabout junction.
5. Closure of existing vehicular accesses.
6. New estate streets laid out in accordance with the approved drawings.
7. Internal street junctions provided with 2.4m x 25m visibility splays.

8. Individual driveways / parking spaces shall be provided with 2m x 2m x 45 degree pedestrian inter-visibility splays.
9. The vehicular access to the new estate street provided with 2.4m x 25m visibility splays in either directions.
10. Driveway gradients shall be no steeper than 1:14 for the first 5m from the highway boundary and 1:10 thereafter.
11. Space be provided within the site curtilage for the parking and manoeuvring of residents vehicles.
12. Provisions be made within the site for the manoeuvring of emergency, service and delivery vehicles.
13. Garages to be retained for parking.
14. Disposal of surface water run-off.
15. Means of refuse storage including details of any bin stores.
16. Submission of a revised travel plan.

Derbyshire County Council Rights of Way Section:

Raise no objections, however, advise that Public Footpath No. 16 abuts the north east corner of the site and recommend a footnote advising that:

- the route must remain open and on its legal alignment at all times,
- there should be no disturbance to the path without the prior authorisation from the Rights of Way Section,
- consideration should be given to members of the public using the path at all times,
- a temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions, and
- if a structure is to be erected adjacent to the public footpath it should be installed within the site boundary so that the width of the right of way is not encroached upon

Peak and Northern Footpaths Society:

There seems to be no links from Public Footpath 16 north of the site into the site and there are no pedestrian routes through the site. The statements made in the application documents are not reflected in the plans. To achieve the aims of healthy recreation and sustainable transport, it is essential that a good network of such connections is provided, with paths running through green corridors, not along the footways of vehicular roads, with good surfaces and sufficiently wide to allow segregation of walkers and cyclists.

Derbyshire Wildlife Trust:

Comments on protected species:

The development is likely to have an impact on badgers resulting in some disturbance (especially during the construction period) and some loss of foraging habitat. However, the level of disturbance is within acceptable limits (based on NE standing advice and legislation). No setts will be directly disturbed or damaged. The ecological report states that the active main sett will be retained and that there will be a 30m buffer around the sett within which there will be no development and ground works will be excluded. In addition a 20m buffer corridor is proposed along the north-west boundary and a scrub connectivity corridor will be created linking the existing main sett to woodland at the south of the site boundary. Some foraging habitat will be retained within site green infrastructure particularly within the vicinity of the proposed balancing pond. The layout plan currently indicates an acceptable pattern and extent of green infrastructure in relation to the needs of the badgers.

As no roosts have been identified the impact on bat species is likely to be confined to loss of commuting and foraging habitat along hedgerows. The tree that has been identified as having high roost potential is to be retained (note that this tree is T2 within the ecological report and T28 within the arboricultural report). The other three trees identified as having low potential are also retained according to the arboricultural report. The ecological report has not identified any impacts on bat roosts, but there is some loss of foraging/commuting habitat. To some extent this is offset by the creation of green space within the development. However, further attention will need to be paid to creating replacement hedgerows and other habitat that will provide foraging opportunities for bats. The Trust considers that the assessment of potential bat roosts within the site does provide an acceptable level of information and no further survey work is required at this time.

Other comments:

The green infrastructure within the site will benefit biodiversity provided that semi-natural habitats composed of native species are successfully established and subsequently sympathetically managed. These habitats should include areas of scrub, hedgerow, flower rich grassland and wetlands. At this stage it is unclear whether a net gain in biodiversity is achievable given the loss of hedgerows at the site and the uncertainty around exactly how badgers will respond to the development. However, the increase in green space since the earlier application makes this more achievable.

We would advise the LA that the lack of detailed compensation with regard to hedgerow loss needs to be addressed by the establishment of new hedgerows within the site. Some native shrub planting could also be used as a component of the compensation. It is not clear why hedgerows 4, 3, 12 and 13 need to be destroyed by the development. They occur at the eastern boundary of the site and there should be scope to retain these hedgerows.

The development will result in the loss of species poor semi-improved grassland which represents a minor impact at a local level. The Trust also advise that there will be an impact on birds due to the loss of 460m of hedgerow and loss of pasture and

advise that this should be seen as an adverse impact at a local scale. It is noted that the applicant intends to install of a minimum of 10 bird boxes within the site.

To ensure that the mitigation and compensation works are fully and effectively implemented the following conditions are recommended:-

1. Environmental management plan (CEMP: Biodiversity) to be submitted and agreed.
2. Landscape and ecology habitat creation plan to be submitted and agreed.
3. Landscape and ecology management plan for all retained and created habitats to be submitted and agreed.
4. A condition advising that no site clearance work shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
5. The carrying out of survey work if any of the trees identified in the bat survey report (T1 - T4) need to be felled or trimmed, especially in relation to T2 which has high roost potential.

The following advisory note is also recommended:

1. The applicant is advised that although no evidence of bats has been found in the buildings there remains the potential for bats to take up residence within Buildings 2 and 3 (as per the bat report) due to the presence of access points. Works affecting these buildings should therefore proceed with care especially when working on the roof space. In the event that bats are found at any stage during the development all work should cease immediately and further advice be sought from a professional ecologist.

Development Control Archaeologist:

The archaeological evaluation process has established that the site has very low potential for significant below ground archaeology. There is no need therefore to place any further archaeological requirement on the applicant.

Derbyshire County Council – Minerals Planning:

Made the following comments in respect of outline application: 13/00692/FUL:

The site lies within an identified sand and gravel resource consultation area. This consultation zone seeks to ensure that mineral reserve are taken into account when assessing surface development and are not sterilised if found to be economically important.

If mineral resources are found to be of value then the potential for extraction prior to development taking place should be considered. The National Planning Policy Framework puts the preservation of mineral reserves on a par with other natural assets. At this stage it will be necessary for the applicant to produce further information on the mineral resource in terms of issues such as depth and quality and the viability of extraction. Once this has been done more detailed comments can be provided.

Derbyshire County Council Planning – Developer Contributions:

Make the following requests with regards to strategic infrastructure and services relating to the proposed development:

- On-site provision of infrastructure to enable high speed broadband
- £227,980 for additional primary school places
- £257,642 for additional secondary school places
- £111,677 for additional post-16 education places
- £45,000 towards library services

Derbyshire and Nottinghamshire Area Primary Care Team:

Request a financial contribution of £551 per dwelling based on 2.3 person occupancy.

Environment Agency:

The Agency have no objections, in principle to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

1. The development shall be carried out in the accordance with the approved Flood Risk Assessment.
2. Surface water drainage scheme to be submitted and agreed.
3. Construction method statement to be submitted and agreed.
4. Scheme to treat and remove suspended solids from surface water runoff during construction works to be submitted and agreed.
5. Ecological Design Strategy to be submitted and agreed.
6. Measures to protect badgers from being trapped in open excavations and / or pipe culverts to be submitted and agreed.
7. Any works required in the watercourse running along the southern boundary of the site wall for drainage should minimise the headwall design and ideally set them back from the channel to provide natural bank continuity and additional area for natural treatment of discharge for water quality benefit (designs can be provided for ideas). Any works access should be re-instated to preserve a minimum 4m buffer along the watercourse.

Derbyshire County Council Flood Risk Management Section:

Based on the submitted design in the Flood Risk Assessment, a single large attenuation area will be provided to attenuate surface water flows. DCC would suggest that consideration is instead given to providing a similar storage volume but in a number of smaller storage units. This is something that can be explored by the applicant in the discharge of the condition recommended by the Environment Agency which requires a surface water drainage scheme to be submitted and agreed.

Crime Prevention Design Adviser:

No comments to make in relation to the general layout. The issue which needs to be addressed is the surveillance over vehicles which will be parked adjacent to blank gable walls. This could be resolved by the introduction of a gable window at ground floor level from an active room i.e. kitchen, living room, study etc. The plots concerned are as follows Miller – 73, 75, 76, 87, 100,102, 107, 108, 109, 110, 118, 119, 120, 121, 126, 130 and 131, Radleigh 10, 28, 29, 30, 31, 33, 40, 41, 42 and 43.

If these items were addressed it would allow residents greater stewardship over their vehicles helping reduce opportunities for vehicle related crime.

Head of Housing:

Considers the delivery of 16 affordable bungalows on site (14% of the total provision) and 22.5% off-site financial contribution to be acceptable, bearing in mind the land take of 2 bedroomed bungalows. It is however recommended that the affordable bungalows to be delivered on site are built to lifetime homes standard.

Derbyshire Fire and Rescue Services:

The Fire and Rescue Authority strongly recommend the installation of a domestic sprinkler system. If this cannot be provided at this stage recommend that a minimum 32mm water supply is provided which would ensure an adequate supply for later installation.

REPRESENTATIONS:

A total of 6 representations objecting to the application have been received which raise the following points:-

1. This is not a sustainable development as there are already 900 houses approved for this side of town. This is clearly overdevelopment.
2. Traffic will increase as most houses will have a car if not two. The access is along a narrow one way road. The egress will be through a residential area. The noise and increase risk to these residents is unacceptable.
3. The nursery school on this side of town is already at capacity and extra car journeys will be needed to transport children across town to other school sites if they have any to accommodate any more children, which is debatable.
4. The submitted documents make reference to facilities and local services which no longer exist.
5. Employment in the area is non-existent. With over 900 houses already in the pipeline this development will not be sustainable with regards to jobs.
6. The application mentions the development will reduce energy consumption. The houses look the same as every other new development and there is no evidence as to how this will be achieved.
7. The vehicular traffic in and out of the area is already significant with queues of traffic building up at key times. The two exits from this residential area both filter on to the main Ashbourne / Derby Road and increasing the number of houses dramatically can only lead to increased traffic queues and traffic pollution.
8. Ashbourne promotes itself as a Gateway to the Peak and as a rural town. Building on Greenfield sites is detrimental to that image.
9. There is already a planning application for the Airfield in Ashbourne which would make good use of poor land and will provide easy access out of the town in different directions, surely this makes a much better site for redevelopment.
10. Do we need so many new houses in Ashbourne?
11. Would request that careful consideration is given to the positioning of the proposed dwellings to not overshadow and maintain the privacy of 19 Old Hill.
12. Request the proposed design in the south east corner (behind our house 2 and 2c Wyaston Road) and those at the end of Duncombe Drive be revisited. There is no other area of the site where existing homes and gardens are so exposed to the development. The high intensity of development into this corner is not consistent with

Building for Life 12 or the applicants stated intentions. Rather than build directly up to the boundary could a shared open space not be incorporated in this corner or at least a significant buffer to maintain space and privacy for both the existing and new homes?

13. 131 dwellings would put enormous pressure on the roads around with hundreds more cars on the already congested roads, also the access on Wyaston Road would be extremely dangerous. Old Derby Hill is a nightmare now what would it be like! - very difficult for old people to walk up.
14. Hilltop School could not accommodate a hundred more children.
15. The development would take away beautiful land.
16. Plot 10 has a finished floor level of 173.1m which is 760mm (2ft 6 inches) higher than my finished floor level. This means that I will be totally overlooked due to the nearness of plot 10 to my boundary 10m (garage) and 16.5m (house).I would request that plot 10 is moved a greater distance from my fence, or reduce the finished floor level by up to 760mm or substitute the house types to bungalows.
17. The increase in traffic will overload adjacent roads. We only have two junctions out from the area on to the main road system – one at Springfield Road and one at the east end of the Old Derby Road. These will become dangerously overloaded. Secondly the narrow Wyaston Road will not cope with the exit from the estate. If this development goes ahead, extensive improvements to the existing road network must be tasked on the developers.
18. Badgers are active across the site but their setts are right against the proposed development. The noise, ground vibrations and alien smells make it virtually certain they will not survive. Any plans the developers have for protecting the badgers need to be agreed by an independent specialist organisation, such as the Mid Derbyshire Badger Group.
19. Bats are definitely present and although the ecological appraisal mentions possible tree roosts, there is no mention of the possibility of them roosting in existing farm buildings – this needs to be investigated. The submitted bat survey report is now a year and a half out of date.
20. There is a growing fear in Ashbourne that housing development will overwhelm the towns infrastructure – doctors, dentists, schools, fire, police, parking and road network to name but the most obvious. If the development goes ahead it is essential the absolute maximum possible funding for infrastructure expansion be extracted from the developers.
21. The road system has bottle necks at peak times and it is noted that Old Hill in particular is difficult to cope with today's traffic levels.
22. Why use more agricultural land when there are brownfield sites available in the area.
23. We can see little or no benefit to the community.

A separate email which questions whether demolition of the existing metal framed building on site can take place has also been received. Reference is made to a lot of bat activity in and around this building.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development In The Countryside
 - SF5: Design And Appearance of Development
 - SF7: Waste Management And Recycling
 - H4: Housing Development Outside Settlement Framework Boundaries
 - H10: Affordable Housing Within The Settlement Framework of Market Towns
 - H13: Affordable Housing Exceptional Sites in Rural Areas

NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
NBE6: Trees And Woodlands
NBE7: Features Important In The Landscape
NBE8: Landscape Character
NBE12: Foul Sewage
NBE21: Development Affecting A Conservation Area
NBE24: Archaeological Sites And Heritage Features
NBE26: Landscape Design In Association With New Development
NBE27: Crime Prevention
TR1: Access Requirements And The Impact Of New Development
TR2: Travel Plans
CS8: Provision of Community Infrastructure
L6: Outdoor Playing And Play Space In New Housing Developments

2. National Planning Policy Framework (2012):
Paragraphs 12, 14, 47, 49, 50, 56, 73, 109, 118, 129, 132, 134, 141, 144
Annex 1 Implementation paragraphs 210, 214, 215, 216
3. National Planning Practice Guide (2014)

ISSUES:

Introduction

This application follows the grant of outline planning permission in March 2014 for up to 125 dwellings and 65 no. extra care units at the site and associated infrastructure and public open space. At that stage the County Council was the intended recipient of the extra care facility which was being promoted with their support. Following a change of policy by the County Council in relation to taking on the management of extra care facilities and having undertaken an intensive marketing exercise to attract an affordable housing provider to take on the extra care units, the applicant found that there was no one willing to take this component of the scheme forward. As a consequence they no longer wish to pursue the extra care component of the original scheme and have reconsidered the mix of housing to be delivered on site.

The Principle of Development

The principle of new residential development of up to 125 dwellings and 65 extra care units has already been established on this site. Although this application seeks full planning permission for the erection of 114 dwellings associated infrastructure and open space, the quantum of development falls within the scope of outline application 13/00692/OUT which was granted permission in March 2014 and is a material consideration.

When the District Council granted outline consent it could not at that point in time demonstrate a five year housing land supply. Despite other permissions being granted since, the Council currently are still not able to demonstrate a five year supply of deliverable housing sites. Accordingly, in line with guidance in paragraph 49 of the National Planning Policy Framework (2012) policies in the Adopted Derbyshire Dales Local Plan (2005) which deal with housing development are considered to be out of date. Paragraph 14 of the National Planning Policy Framework (2012) (NPPF) advises that where the development plan is absent, silent or relevant policies are 'out-of-date' planning permission should be granted for

development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

Paragraph 7 of the NPPF advises that these dimensions give rise to the need for the planning system to perform a number of roles:

- ***an economic role*** – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- ***a social role*** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- ***an environmental role*** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

In granting outline permission for 125 dwellings and 65 extra care units it was recognised that development of the site would assist in the delivery of housing required to meet the needs of present and future generations and be within easy reach of services and facilities at Ashbourne. In weighing up the planning merits of this application for 114 dwellings, associated infrastructure and open space the main issues to consider in reaching a balanced judgement, having regard to the various dimensions of sustainable development set out in the NPPF and policies contained within the Adopted Derbyshire Dales Local Plan (2005), are:

- (i) The impact of development on the character and appearance of the landscape.
- (ii) The housing mix and the level of affordable housing to be provided.
- (iii) The density of development and appropriateness in context.
- (iv) The layout and design of the proposed dwellings.
- (v) The impact of the development on the amenity of the occupants of nearby residential dwellings.
- (vi) Impact of the development on protected species.
- (vi) Impact of development on archaeology.

- (viii) Highway / pedestrian safety.
 - (ix) Provision of infrastructure through developer contributions.
 - (x) Open space provision.
 - (xi) Impact on trees.
 - (xii) Surface water drainage and sustainability.
- (i) The Impact of the Development on the Character and Appearance of the Landscape

The layout of the development is broadly consistent with the indicative layout which was submitted with outline application 13/00692/OUT. Residential development is concentrated in the eastern parts of the site and extending along the northern boundary to the north west. Substantial areas within the central area and the south west, influenced by the site topography are reserved for public open space and a balancing pond. An ecological corridor designed to safeguard a badger population extends along the northern boundary. Some existing field boundary hedgerows and mature hedgerow trees are retained and included as part of the open space / green infrastructure system. An extensive belt of mature (and protected) trees extending along the southern boundary in association with a water course is retained.

A concern in both the District Councils landscape visual assessment carried out in January 2013 (when looking at the potential of the site for housing development as part of its local plan preparations) and the report of the independent landscape consultants commissioned to look at outline application 13/00692/OUT was the possible encroachment of the development onto the local ridgeline when viewed from the north. This issue has been addressed with the inclusion of a substantial belt of planting in addition to existing hedgerow and trees. This will create a development free corridor of at least 10m width, which should in conjunction with the heights of the dwellings at only 2 storey mean that residential development is not readily apparent on the skyline.

Some existing hedgerows and associated mature trees are to be retained and incorporated into site green infrastructure. Substantial areas of public open space are also included. These are mainly associated with steeper, sloping ground or existing hedgerows. Existing trees on the southern boundary will be retained. These will substantially screen / filter views from this direction particularly when they are in leaf.

There are concerns with regard to the loss of existing hedgerows and associated trees over and above what was shown in the indicative layout plan which accompanied the approved outline application. A detailed landscape plan showing, where possible the retention of existing hedgerows, is recommended. Whilst the balancing pond could be an attractive feature it is in an area of complex and steeply sloping topography. It, or any other sustainable urban drainage system, will need to be carefully considered so as to not look alien within the landscape. The precise design of the feature will need to be conditioned.

In summary, it is concluded that that the proposed development can be accommodated on the site without causing substantial harm to the wider character and appearance of the local landscape.

(ii) The housing mix and the level of affordable housing to be provided

The application proposes a mix of three and four bedroomed detached and semi detached dwellings and affordable bungalows. Whilst it is unusual to have bungalows integrated into a scheme of mainly two storey dwellinghouses there is an identified need in the area for affordable bungalows. The housing mix would be both an adequate response to the housing needs of the district and an appropriate reflection of the building types in the local area.

As well as delivering 16 affordable on site (14% of the total provision) the applicant also proposes to make a 22.5% off-site financial contribution towards affordable housing. Although the research done to support the housing policies of the now withdrawn emerging local plan suggested that 45% provision of affordable housing should be sought on a site of this nature and size this guidance has been sensibly applied. In this regard the land take of the 2 bedroomed bungalows is of a site area equivalent to that required to provide 22.5% of the 2 storey dwellings on site. On this basis, the on-site component is considered to be an appropriate level of provision subject to the affordable bungalows being built to lifetime homes standard.

(iii) The density of development and appropriateness in context

The proposed development falls well below the number of dwellings specified in the outline permission.

Whilst government policy generally advocates the efficient use of land it is also important to achieve development that respects its context. It is apparent from the proposed layout that the scale of development proposed can be readily achieved within the site boundary. The density draws on nearby estates and the inclusion of sizeable open spaces with balancing ponds and green corridors to support wildlife on site is an appropriate response to site topography and context. The density is appropriate to the site, having regard to its location.

(iv) The layout and design of the proposed dwellings

The layout of the development is based around an irregular pattern of development blocks. Development is, however, concentrated in the eastern parts of the site and extends along the northern boundary to the north west allowing for areas within the central area and the south west to be reserved for public open space. In this respect, the layout is respectful of the sites topography and the local built environment.

The layout of the houses has been amended to create a better response to context and more internal cohesion. A number of dwellings fronting Wyaston Road, close to the new access road have been removed. This has allowed for the retention of an open area at the site entrance resulting in a form of development that is less intense and more respectful of this part of Wyaston Road. Dwellings have been orientated and aligned to front / respect the various estate roads, resulting in a strong and cohesive layout. Landmark buildings are used to turn corners and properties generally front out onto the open spaces which have retained attractive mature trees, which are a key site asset.

There are a number of property types which vary in their height from ground to ridge or eaves which creates a varied roof line across the development. The house types proposed represent a mix of both historic and current styles, with detached and integral garage house types faced in a mixture of red brick, render, with timber frame detailing. The dwellings are fairly typical of modern estate houses and whilst the proportions and arrangement are acceptable the distribution of materials, which for example feature render gables and upper walls will need further refinement to create some local sense of place. The addition of gables in the roof of full height two storey dwellings is also considered odd. The deletion of these and the distribution of materials can be secured by conditions.

Taking the above into consideration the layout and design of the proposed dwellings is acceptable subject to addressing the design detailing of individual house types referred to above.

(v) The impact of the development on the amenity of the occupants of nearby residential dwellings.

There are a number of existing residential properties along Wyaston Road and off Duncombe Drive which abut the development site. The position, relative height and layout of the proposed dwellings is such, however, that the amenity and / or privacy of the occupants of those properties would not be compromised to an unsatisfactory degree. The occupants of Hillside House (no. 2 Wyaston Road) have requested that the design / layout of houses at the south east corner of the site be reconsidered. The dwellings immediately to the west of Hillside House, whilst two stories high will be positioned 19.5m away and set at a slightly lower level (8m from the boundary). The difference in levels, orientation of Hillside House, distance between properties and intervening boundary vegetation is such that any loss of amenity / privacy would not be of so significant a magnitude that refusal of the application on this ground could be sustained. Although the annex (no. 2c) sits closer to the boundary with the proposed four bedroomed detached dwellings, its relative height and existing boundary treatment is such that there would no unacceptable loss of privacy or amenity.

The properties off Premier Avenue and Duncombe Drive are separated from the site by a substantial belt of woodland. In this context the main impacts on amenity result from a loss in outlook over the site, noise and increased traffic. The application site is an attractive piece of landscape and one which is clearly valued by the local population for the contrast it provides with the housing that surrounds it, its component parts and the views out over it to the countryside beyond. Whilst difficult to quantify the amenity of local residents will be undoubtedly be diminished by its development for housing.

The increase in traffic on local roads will have some slight effect on amenity but it would be wrong to conclude that this is a significant factor in balancing the merits of the scheme.

The development will be likely to increase noise levels for those close to the site and its relative tranquillity will have contributed to its positive impact on their amenity. Tranquillity can be a consideration in determining planning applications when there are noisy uses proposed in areas defined by high levels of tranquillity. Whilst an

affect may be felt, as the site lies on the edge of the built up area, it is difficult to give this issue significant weight in the planning balance.

(vi) Impact of the development on protected species

The application site comprises mature grazing land with hedgerows and veteran trees and will support a good range of wildlife. In particular the ecological reports have highlighted the existence of a substantial badger sett on the northern boundary, with outlier setts in the woodland to the south. The site is also identified as providing potential habitat in trees and buildings.

Derbyshire Wildlife Trust have advised that whilst the development is likely to have an impact on badgers resulting in some disturbance (especially during the construction period) and some loss of foraging habitat, the level of disturbance would be within acceptable limits (based on NE standing advice and legislation). No setts will be directly disturbed or damaged. It is considered that the proposed layout plan indicates an acceptable pattern and extent of green infrastructure in relation to the needs of the badgers.

With regard to bats Derbyshire Wildlife Trust have advised that as no roosts have been identified the impact on bat species is likely to be confined to loss of commuting and foraging habitat along hedgerows.

A bat survey of the farm buildings accompanies the application. Whilst they are considered to have some potential as roosting sites no evidence of habitation was revealed by the survey. The veteran trees on site also have potential as roosts and whilst the majority of trees can be retained those lost to create the access would need to be surveyed ahead of any works being undertaken. Overall, in terms of impact on protected species there remains no overriding objection.

(vii) Impact of development on archaeology

The site contains a HER record for a one or possibly two round barrows (HER301). Because of this archaeological interest a desk based assessment, including geophysical survey and subsequent evaluation were carried out in the context of the previous outline application. The geophysics produced no clear information on the location of the possible barrows, though a couple of possible locations were tentatively suggested – these and some other possible features were targeted for trial trenching. This was carried out by Wessex Archaeology in June 2014 and identified no evidence for significant archaeology and nothing to suggest the presence of prehistoric barrows or other associated features. It appears therefore that the barrows referred to have been completely destroyed by ploughing or (perhaps more likely) are located beyond the site boundary. It has therefore been established that the site has very low potential for significant below ground archaeology and there is no need to place any further archaeological requirement on the applicant.

(viii) Highway / Pedestrian Safety

The public comment received highlights a number of concerns regarding the implications for use of Old Derby Hill for pedestrians, impact on the safety of the junction of Springfield Road with vehicles trying to exit, general congestion on the road network.

The Local Highway Authority are however satisfied that whilst the site will add to congestion the nature of its implications as an individual application does not warrant rejection of the application. The junction of Springfield Avenue onto Derby Road has long been a concern of residents. Whilst this development will increase the loading the Highway Authority are clear in their advice that the impact could not substantiate refusal.

As can be seen in the Local Highway Authorities consultation response in the consultation section of this report a number of conditions are recommended.

(ix) Provision of infrastructure through developer contributions

Policy CS8 of the Local Plan states that where a development generates the need for community infrastructure the Council will seek to negotiate the provision of such infrastructure. Education and Health as well as transport, water supply and sewerage are mentioned as possible topic areas.

The County Council have made requests with regard to strategic infrastructure and services relating to the proposed development. The request for £227,980 for primary school places and £257,642 for secondary school places and £111,677 for additional post-16 education places has been put to the developer and they are willing to fund these. The developer has not been pushed on the requirement for £45,000 for library service revenue costs or to provide a financial contribution towards health (£551 per dwelling). In terms of what is legitimate to request on the back of a planning application it is normal practice to only utilise Section 106 payments to fund identified infrastructure projects whose need is generated by the development. The Council do not currently have a Community Infrastructure Levy (CIL) regime to levy a charge on each dwelling and it is difficult to establish that the revenue costs are directly related to the development proposed and should not be otherwise funded through existing local taxation like other revenue costs. In terms of broadband connections this could legitimately be secured but would need further exploration to ensure it was directly related to the development. In any event it may well be feasible to secure through condition as it relates to matters on site.

(x) Open Space Provision

The proposed site layout includes generous amounts of public open space. Some of this is directly linked to creating wildlife corridors, whilst public open space occupies a steeper section of the site where development is more challenging. A substantial balancing pond for surface water is proposed in the south western corner of the site. Whilst no details of levels, layout or play equipment are provided, it is considered there is adequate open space to serve both the needs of future children on the site and provide suitable routes and habitat for wildlife so that they can successfully co-exist. The level of provision shown indicatively would satisfy Policy L6 of the Local Plan.

(xi) Impact on Trees

Trees on site can logically be broken down into 3 groupings, those along the site frontage, the substantial belt of trees along the southern boundary and the mature individual and groups of trees within the site.

The new access road will result in the loss of attractive veteran trees along Wyaston Road / Old Derby Hill frontage. This is unavoidable if safe access is to be created for

the volume of development proposed but suitable long-term replacement planting would be sought to provide compensation in the long run.

The protected Sycamore, Ash, Oak and Holly trees along the southern boundary are associated with a deep river bed and its steep sided embankments. The proposed layout shows that that housing can be accommodated in this location without jeopardising their future health. The proposed layout shows the retention of important groupings of trees which form distinct pockets or lines within the site to ensure a satisfactory landscaped setting.

(xii) Surface Water Drainage and Sustainability

The application includes a flood risk assessment with proposed mitigation measures to deal with surface water drainage on site. The mitigation scheme is designed to be SUDS compliant and is shown to be in the form of a balancing pond at the south west corner of the site to control surface water flow from the site. The Environment Agency have fully assessed the submitted scheme and are satisfied with its details subject to conditions being imposed on the grant of permission.

Whilst it may be preferable to break drainage infrastructure down into smaller features the nature of the topography makes that difficult in this case and, on balance, subject to securing appropriate landscaping and long term maintenance the scheme is considered to be acceptable.

Conclusion

The planning balance in this case is considered to weigh in favour of allowing the development for 114 dwellings, associated infrastructure and open space. It is considered that any adverse impacts in allowing the development would not significantly and demonstrably outweigh the benefits, having regard to the above issues and relevant provisions of the development plan and national guidance, in this instance. Approval is therefore recommended subject to appropriate conditions and the negotiation of a s.106 Planning Obligation agreement to deal with those matters which cannot be addressed by conditions.

OFFICER RECOMMENDATION:

On completion of a Section 106 Agreement to secure the on-site affordable housing, an off-site affordable housing financial contribution and financial contribution to education provision planning permission be granted subject to conditions covering the following issues: -

1. Time limit.
2. Receipt of revised plans.
3. Samples of all external facing materials to be submitted and agreed.
4. All windows and doors to be recessed a minimum of 50mm.
5. Revisions to the houses on the plots identified by the Crime Prevention Officer to include additional windows and to the house types with split brick / render and gablets – details to be submitted and agreed.
6. Comprehensive hard and soft landscaping scheme to be submitted and agreed.

7. Standard landscape maintenance condition.
8. Details to be submitted and agreed of the long term maintenance of all landscaped areas and public open space.
9. Details of play equipment to be submitted and agreed.
10. Details of the diameter of the water pipes to be installed to be submitted and agreed.
11. Details of the on-site provision of infrastructure to enable high speed broadband to be submitted and agreed.
12. Full construction management plan / method statement to be submitted and agreed.
13. Swept path analysis for the estate streets based on emergency and refuse vehicles to be provided and details of a pedestrian link to the existing public right of way (Footpath No. 16) to be submitted.
14. Details of a temporary access for construction purposes to be submitted and agreed.
15. Formation of the permanent roundabout junction prior to occupation of any dwelling which will be served off it.
16. Closure of existing vehicular accesses within 21 days of the permanent access being laid out and constructed.
17. No premise shall be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the approved drawings, or subsequent revisions.
18. Internal street junctions shall be provided with 2.4m x 25m visibility splays in either direction.
19. Individual driveways / parking spaces shall be provided with 2m x 2m x 45 degree pedestrian inter-visibility splays.
20. The premises subject of the application shall not be occupied until its vehicular access has been created to the new estate street and provided with 2.4m x 25m visibility splays in either directions.
21. The driveway gradients shall be no steeper than 1:14 for the first 5m from the highway boundary and 1:10 thereafter.
22. No dwelling shall be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles.
23. No dwelling shall be occupied until provision has been made within the site for the manoeuvring of emergency, service and delivery vehicles.
24. Garages to be retained for parking.

25. Scheme for the disposal of surface water run-off to be submitted and agreed.
26. Details of the means of refuse storage including details of any bin stores to be submitted and agreed.
27. Revised travel plan to be submitted and agreed.
28. Environmental management plan (CEMP: Biodiversity) to be submitted and agreed.
29. Landscape and ecology habitat creation plan to be submitted and agreed.
30. Landscape and ecology management plan for all retained and created habitats to be submitted and agreed.
31. A condition advising that no site clearance work shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the site for active birds' nests immediately before work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
32. The carrying out of survey work if any of the trees identified in the bat survey report (T1 - T4) need to be felled or trimmed, especially in relation to T2 which has high roost potential.
33. The development shall be carried out in the accordance with the approved Flood Risk Assessment.
34. Surface water drainage scheme including future maintenance arrangements for the balancing pond to be submitted and agreed.
35. Construction method statement to be submitted and agreed.
36. Scheme to treat and remove suspended solids from surface water runoff during construction works to be submitted and agreed.
37. Ecological Design Strategy to be submitted and agreed.
38. Measures to protect badgers during the construction process and from being trapped in open in open excavations and / or pipe culverts to be submitted and agreed.
39. Any works required in the watercourse running along the southern boundary of the site wall for drainage should minimise the headwall design and ideally set them back from the channel to provide natural bank continuity and additional area for natural treatment of discharge for water quality benefit (designs can be provided for ideas). Any works access should be re-instated to preserve a minimum 4m buffer along the watercourse.

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14/00698/OUT

Land off Wheeldon Way, Hulland Ward



Derbyshire Dales DC

1:2,500

Date: 28/01/2015

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Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk

14/00698/OUT RESIDENTIAL DEVELOPMENT OF UP TO 48 DWELLINGS, CREATION OF NEW ACCESS AND ASSOCIATED PUBLIC OPEN SPACE, LANDSCAPING AND DRAINAGE INFRASTRUCTURE AT LAND OFF WHEELDON WAY, HULLAND WARD FOR PEGASUS PLANNING GROUP

Parish Council: Hulland Ward
Application type: Outline

Date of receipt: 14/10/2014
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application site is a rectangular shaped parcel of sloping land, measuring approximately 2.1 hectares, made up of two fields of rough grassland, located within the Parish of Biggin-by-Hulland. The site is bordered by native hedgerows, with hedgerow trees both along its two sides that are adjacent to open land and one side bordering property accessed off the main road through Hulland Ward village. The remaining, south-eastern boundary of the site adjoins existing housing located along Ashes Avenue, Eaton Close and two dwellings at the end of Wheeldon Way between which is located a field gate entrance into the site. The two fields are divided by a hedge, which is broken in part allowing access between them. The smaller field is located at the higher, south-western end of the site, the larger north-eastern sections slope becomes less steep before levelling out close to its hedgerow lined boundary, beyond which is a small ditch. To the east of the lower end of the site is a playing field within which is a multi-use games area (MUGA) and a children's play area. A public footpath passes along the side of the playing field adjacent to the sites north-eastern corner.

The site is adjacent to the Hulland Ward Settlement Framework Boundary as defined in the Adopted Derbyshire Dales Local Plan (2005).

THE APPLICATION:

Outline planning permission, with means of access only, is sought for the construction of up to 48 dwellings with two areas of public open space, landscaping and drainage infrastructure. An indicative layout plan proposes the access to be a continuation of Wheeldon Way between four dwellings, two on each side of the road that are off the existing circular route at this western end of the established housing estate. The indicative layout shows Wheeldon Way being extended via the existing field gate access into the site. Two roads would branch off in opposite directions to the lower and upper parts of the site. The longer, lower section road would have dwellings both fronting towards it and off short access ways branching off it. The shorter, higher section road will, for the most part, have access ways similar to those proposed at the other end of the site.

A number of supporting documents are provided to accompany the application which includes the following: -

- Planning Statement
- Design and Access Statement (incorporating a Landscape Assessment)
- Transport Statement
- Flood Risk Assessment
- Foul Water and Utilities Statement
- Tree Survey
- Extended Phase I Habitat Survey
- Bat survey

- Archaeological Desk Based Assessment
- Geo-Environmental and Geo-Technical Statements
- Consultation Statement

These documents have been available for public inspection on the application case file and the Council's website; they have also been available to relevant consultees for their consideration. Given the amount of supporting information, it would not be expedient to reproduce it in full in this report, but relevant matters will be considered in the 'Issues' section.

However, a summary of the applicants' case may be presented as follows: -

1. The proposal relates to a maximum number of up to 48 dwellings being constructed on the application site.
2. The average net density is 31 dwellings per hectare (excluding constrained land/structural landscaping).
3. The site will deliver a mix of housing, the precise details of which is to be determined at the detailed design stage.
4. Up to 33% of the number of dwellings will involve affordable housing. (The manner of which will need to be agreed by the District Council).
5. Access is to be via Wheeldon Way through an existing field gate.
6. Views of the site are generally limited; the majority of views are from areas to the north, northwest and northeast across the rolling valleys and hillsides.
7. Two areas of open space are proposed. The one at the lower part of the site is illustrated to have a balancing pond for surface water attenuation. A children's play area is envisaged in the sites higher end open space.
8. The site is within 600m of all the facilities and services of Hulland Ward.
9. The main employment centres of Ashbourne, Belper and Derby may all be reached by Hulland Ward residents, and hence residents of the site, by public transport.

The main reports included in the submitted details are also referred to and summarised by the applicant's agent, as follows: -

Transport Assessment

The site location is considered by the applicant's consultants to be sustainable affording a range of sustainable travel alternatives. Facilities and services are available within the local area and within walking distance. Cycling would be a viable option for travelling to Ashbourne and Belper. There are bus stops some 150m from the site access which serve travel to Ashbourne, Belper and Derby. With only three accidents within the last five years, this does not indicate a cause for concern in respect to highway safety. Vehicle speeds are generally low in the vicinity of the site and the A517 village through road is 30mph.

The proposed development is only anticipated to generate up to 30 vehicular trips during the morning and afternoon peak hour periods. This level of trip generation is unlikely to have any significant impact on the operation of the local highway network. As such, it is considered that the proposed development is in line with national and local policy and therefore should be acceptable for residential development.

Flood Risk Assessment

The applicant's consultants advise that the entire site is shown to lie in an area designated as Flood Zone 1 (low probability). The nearest watercourse is the ditch on the north-eastern side boundary of the site and based upon the distance and intervening topography (indicative site layout) there is a low risk of flooding. The site is at no quantifiable risk of flooding from artificial sources or overland flow routing from agricultural land. It is not considered vulnerable to flooding from ground water, as there is no evidence of this nor is there a logical pathway for any such waters to route towards the site. Review of geological mapping suggests it is highly unlikely that the soils on site will be suitable for conventional soakaways. Flow attenuation must be provided to regulate flows to the pre-development green field run off rates. Attenuation will be provided to the 1 in 100 year return period plus a 30% allowance for climate change.

The site is at negligible risk of flooding from either existing sewerage systems or from its own internal sewerage systems. This, in any case, can be adequately mitigated by small scale engineering considerations.

In summary, it is considered that the development could proceed, subject to mitigation measures, without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water run off discharging from the site.

Foul Water and Utilities Statement

Preliminary investigations have identified that all mains services are in the immediate vicinity of the site and it is assumed connections can come from these locations. Severn Trent Water have confirmed that localised reinforcement of the existing network will be required, which is likely to be at no cost to the developer. They also confirm drainage flows from the proposed development can discharge to the existing network to the southeast of the site. Subject to final design a pump or a requisition may be appropriate to manage a connection to these locations.

No mains cross the site and there would be limited disruption to existing services infrastructure to facilitate development of the site. Further detailed capacity analysis will be required to verify if any off site reinforcement will be required for gas and electric.

Tree Survey

The applicant's consultants undertook a Tree Survey of the site in accordance with BS5837:2012 Trees in Relation to Design, Development and Construction. The survey identified thirteen trees and revealed only one significant mature tree within the area surveyed; the other 12 trees are semi-mature specimens in boundary locations. With a number of the trees located beyond the site boundary, only about half would need to be afforded a root protection area. No trees have been identified that will require removal to facilitate the proposed development.

Extended Phase I Habitat Survey

The applicant's consultants undertook an Extended Phase I Habitat Survey of the application site in March 2014. The survey identified two fields of poor semi-improved grassland, with occasional areas of bare ground. Further, species – poor hedgerow surrounds much of the site which contains a number of standard trees. The report makes the following recommendations: -

i. Nesting Birds

Any tree or hedgerow removal should be undertaken either before early March or after late July to avoid the main bird nesting season. Should clearance works be deemed necessary during the nesting period, an experienced ecologist will be required to check the site habitats immediately prior to works commencing to confirm that no nesting birds will be affected.

ii. Bats

Hedgerows should be retained to provide potential foraging and commuting corridors for bats. Sensitive lighting should be developed to reduce light spill towards the boundary vegetation and surrounding land. A 5m buffer zone should be maintained around the edge of the hedgerows to protect the bat habitat

iii. Badgers and Brown Hare

Whilst no signs of badger or brown hare were found by the survey, best practice measures should be followed on site. No excavations should be left uncovered overnight or alternatively, mammal ramps are installed during the construction phase to prevent any mammals from being trapped.

Archaeological Desk Based Survey

The applicant's consultants undertook a desk based archaeological assessment of the application site, which demonstrated that there are no known designated or non-designated heritage assets within the development area or the immediate vicinity. However, within a 1km radius from the centre of the study area there are thirteen designated heritage assets (including 12 grade II listed buildings) and one Scheduled Ancient Monument. There are also ten non-designated assets within a 1km radius of the site.

Evidence of extent earthworks suggests that there is potential for there to be buried remains of medieval period and post medieval periods associated with agricultural activity in the area. Buried remains from the Prehistoric period cannot be ruled out.

The nearest heritage asset is the grade II listed building Christ Church, which is located some 400m to the west of the application site. Topography and tree cover points to the proposed development resulting in no adverse impact on the heritage asset, or any of the others in the vicinity.

Based on the assessment, it is suggested that sub surface remains may be encountered and currently there is insufficient evidence to confidently predict the impact of the proposed development on Archaeology. Derbyshire County Council may decide that it is necessary to establish the extent, nature and importance of the potential assets significance through on-site evaluation.

Geo-Technical and Geo-Environmental Statements

The applicant's consultants have considered a topographic survey of the site, historical maps and information in respect to geology, hydrogeology and hydrology. Historic maps dating from 1879 - 2013 indicate that the site was undeveloped. However, maps dated from 1879 – 1922 indicate that the south-western area of the site was associated with a group of buildings, centred to the southwest of the site.

The strata under the site are from the carboniferous millstone grit series, according to the published geological map. The Groundwater Vulnerability map indicates the strata is a minor aquifer of low vulnerability. Consideration of the landmark 'Envirocheck' database 'indicates that no landfill, waste or pollution' issues arise and no radon protection measures are required in the construction of the dwellings at the site.

The statements also consider potential contaminant sources affecting the site and comment, in the preliminary Geo-Environmental Assessment, that based on the sites usage and adjacent surroundings it is unlikely to have resulted in significant contamination of the site. That said, where made ground is present upon the site, which may contain unsuitable materials, this should be removed from proposed garden areas and appropriately be disposed of off-site. With regard to the Geo-technical Assessment it is considered that the strata is likely to be acceptable for the proposed residential development, including any terracing and/or retaining structures. Construction will need to take account of any changes to ground conditions (i.e. where trees and hedgerow may have been removed).

The applicants have included a 'consultation statement' which covers pre-submission interaction with the public, Hlland Ward Parish Council and the District Council. It refers to matters of concern and issues arising from the consultation exercise which included transport/highway implications, principle of development, design, impact upon the local environment, housing need, lack of employment opportunities and impact upon facilities and services. The statement sets out the applicant's response to the public reaction to development of the site, which, it is stated, has helped the development team to understand and respond to concerns. It concludes that based on the supporting documents, the areas of concern have been considered, with the aim of demonstrating that the impact of the proposal upon the local area can be adequately mitigated.

RELEVANT HISTORY:

None recent.

CONSULTATIONS:

Local Highway Authority:

The application is outline with only means of access to be considered. As such no detailed comments are provided on the site layout, although the indicative layout does suggest that 48 dwellings may be accommodated within the site. (Advice is provided on design guidance if the estate roads are to be adopted).

The application is accompanied by a Strategic Transport Statement which considers the proposed trip generation likely from a development of this scale, accident statistics on the local highway network and explores options for sustainable travel modes. Trip generation is estimated by use of information from the TRICS database, which is the recognised method of estimating trip generation associated with proposed new development. This identifies fairly low levels of peak hour traffic activity compared to the existing background activity already on the local highway

network. The scale of development is therefore unlikely to warrant any further investigations or analysis to be carried out on the wider highway network.

No accidents have been recorded in the immediate vicinity of the site. Three accidents within the last three years have been recorded on the A517, although there does not appear to be any common causation factor that would warrant further investigation/improvement. It does not seem, that the situation would be exacerbated by traffic associated with the proposed development.

The site is within reasonable walking distances to some limited facilities, namely a school, medical centre, garage, petrol station, general store, village hall and post office. There are also several bus stops within the close vicinity of the site and a recreation ground and children's play area. Cycling has also been referred to in the supporting statement. Whilst it may be possible to reach local facilities by this mode, the larger range of facilities and employment opportunities offered in Ashbourne and Belper are outside the upper reasonable travel threshold for cycle trips, and may only be undertaken by a very limited number of residents. Whilst it is often difficult to predict future residents transport needs, there does not appear to be any significant barriers for them to use more sustainable travel modes. Hence, the Highway Authority is not in a position to challenge the conclusions of the strategic transport statement as submitted.

Taking into account current guidance and with no empirical data to support a perceived highway safety issue, the Highway Authority is not in a position to demonstrate that the proposed access arrangements would cause demonstrable harm to highway safety or that development would result in a severe impact on the existing highway network sufficient for the Highway Authority to raise a sustainable objection.

Should the Local Planning Authority be minded to permit the application conditions are recommended that deal with matters of construction phase layout, wheel cleaning facilities, internal road layout, parking/manoeuvring space for each dwelling, waste collection, visibility splays, gradients and surface water drainage. (Advisory notes are also provided for the applicants attention).

Parish Council:

Following consultation with the majority of residents of Biggin-by-Hulland Parish, including a well-attended village meeting, all of the residents we consulted are opposed to the planning application in its current format. A development of near 50 houses in such a small area, and especially in the proposed location is unsuitable and inappropriate.

The proposed development site impacts to a much greater degree on Hulland Ward and thus we have liaised and co-operated with the Hulland Ward Village Committee who have prepared a very detailed document explaining why the proposal for house off Wheeldon Way is inappropriate. We fully endorse all aspects of this document which you have received from this working group. Indeed, the Chair of Hulland Ward Village Committee is a resident of Biggin and is also Clerk to the Biggin Parish Meeting.

It is important to state that the overwhelming majority of residents are not opposed to the overall principle of limited development for new housing stock in the parishes of

Biggin and Hulland Ward. Most residents would not object to proposals for a limited development which is appropriate to our environment; the current proposal is most definitely not appropriate.

Head of Housing:

Advise that a maximum of eight affordable homes should be provided on site with the remainder dealt with by an off-site financial contribution. A range of homes on site is desirable and the applicant has previously been given advice on the need for smaller homes. The affordable homes should be spread through the development rather than all in one area of the site. The homes should not have a local connection restriction to Hulland Ward.

Environment Agency:

The Agency has no objection in principle to the proposed development, subject to planning conditions being imposed in relation to surface water drainage.

Derbyshire Wildlife Trust:

DWT has checked the site against the trust's data sets and are not aware of any substantive nature conservation interest on or adjacent to the site. The Extended Phase 1 Habitat Survey carried out on 20th March 2014 identified the site as comprising two fields of cattle grazed poor semi-improved grassland bounded by hedgerows with occasional mature trees. Although the report concludes that none of the hedgerows qualify as 'important' under the wildlife and landscape criteria of the Hedgerow Regulations, we would advise that all the hedgerows on the site meet the definition as UK BAP priority habitat (Habitat of Principal Importance) and, as such, should be retained wherever possible. Any hedgerow removal required to facilitate access should be fully compensated for through new hedgerow planting to ensure there is no net loss of hedgerow priority habitat as a result of the proposed development.

We note and welcome that the majority of hedgerow will be retained, all retained hedgerows should be protected from damage during works, by the erection of adequate temporary protective fencing as a condition of any permission. We do not however support the use of existing native hedgerows as private garden boundaries as their long-term retention and appropriate uniform management cannot be guaranteed. As a result, their wildlife value is likely to significantly diminish. Hence, hedgerows should be retained within undeveloped green corridors with a suitable landscape buffer and that this is reflected in the detailed layout for the sites development. The hedgerows and hedgerow trees provide bat foraging and commuting opportunities which reinforce the need for their retention. The hedgerows also provide bird nesting opportunities and a condition should be imposed that they are not removed, or trees and shrubs, between 1st March and 31st August inclusive. (Alternatively a competent ecologist is engaged to carefully check the vegetation before works within the nesting season are undertaken that potentially could be harmful to nesting birds).

The hedgerow trees were concluded as having negligible potential to support roosting bats and it is not anticipated that any other protected species issues arising with this application. We fully support the recommended sowing of a suitable species – rich wildflower seed mix within the attenuation pond surrounds and advise that such provision should form part of the details of landscaping in any subsequent reserved matters submission.

Development Control Archaeologist:

The site is close, particularly at its Southern end, to the likely area of medieval activity at Hulland Ward. Given the evidence for earthworks discussed in the archaeological desk-based assessment, there is clearly an archaeological potential which must be understood in determining this application (NPPF para 128). I would advise therefore that the site needs to be subject to archaeological evaluation. Given its relatively small size, this is best achieved by the application submitting the results of a geophysical survey to address the requirements of paragraph 128 in determining the application. The findings would then point to whether there is a need, or otherwise, for archaeological conditions.

Derbyshire County Council (strategic infrastructure and services):

In accordance with the NPPF and the Developer Contributions Protocol, it is requested that that the development meets the following contributions which are related to the development in terms of strategic infrastructure: -

- Access to high speed broadband services for future residents (in conjunction with service providers)
- £68,530 towards the provision of 7 secondary places (classroom Project A at Queen Elizabeth's Grammar School, Year 7 to Year 11)
- £29,370 towards the provision of 3 post-16 places (classroom Project A at Queen Elizabeth's Grammar School, Post-16)
- New homes designed to Lifetime Homes standards

These requirements accord with the three tests set out in the NPPF in that they are necessary to make the development acceptable in planning terms, directly relates to the development and fairly and reasonably related in scale and kind to the development.

Derbyshire County Council recognises that the viability of development schemes will vary. If the developer feels that the contributions sought would impact on the viability of the proposed scheme to the point where the scheme would not go ahead, it is requested that the developer provides a full financial appraisal for review.

The County Council also refer to waste management services but are satisfied that existing waste treatment facilities at Ashbourne can accommodate a development of 48 dwellings. They also refer to Hulland CE (Voluntary Controlled) Primary School currently has capacity and would be able to accommodate the additional Primary School pupils that would be generated by the proposed development.

Crime Prevention:

No comments at this stage but requests consultation at any detailed stage.

Head of Regulatory Services (Environmental Health):

No objections but suggest conditions be imposed due to the possibility on some contaminated land issues on the application site.

Derbyshire Fire and Rescue:

Strongly recommend the installation of a domestic sprinkler system. A minimum 32mm water supply capable of delivering the required volumes would allow this to be carried out easily in the future.

NHS England:

The proposed development would trigger the need to provide health related funding of £551 per dwelling based on 2-3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within the existing primary care resources.

It is unlikely that the area team would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. We would wish to explore further in conjunction with the CCG and other stakeholders including what options are available and ensure value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with Section 106 contributions.

REPRESENTATIONS:

The proposed housing development has resulted in a great number of representations objecting to the application. These, that are directly relevant to the proposals, may be summarised and presented as follows.

Hulland Ward Parish Council

The Parish Council object to the application for the following reasons:-

- i. The new sewerage works does not have capacity for an additional 48 dwellings. The sewerage works is experiencing difficulties in its installation and could potentially not have the capacity of the old works. Adding 48 dwellings will put additional pressure on a works that is already close to capacity.
- ii. Access to the site is unsuitable. There is a single road to the site through a housing estate where vehicles parked on the road greatly reduces the width of the highway for both construction lorries and other emergency service vehicles to access. In the winter this road can be impassable due to snow and ice.
- iii. Housing is not needed. In the local plan there was no identified need for more houses in Hulland Ward. The District Council did not identify a need for large scale housing in Hulland Ward, there has been no evidence put forward to change this. The number of dwellings proposed far exceeds the housing density outlined in the Development Framework and the neighbouring area. This would change the character of the village and would not be in keeping with the other dwellings in the immediate area.

Hulland Ward Village Committee

A detailed document objecting to the proposed development has been submitted on behalf of the majority of Hulland Ward villagers. The main planning comments may be summarised as follows:

- The proposed development lies within the boundary of Biggin Parish, as such it would prevent a clear space of ground between Biggin and Hulland Ward Parish.
- The 'Derbyshire Dales Statement of Community Involvement' dated 2007 states that the Council is committed to listening to people, working with the community and encouraging the public to be constructively involved in both policy development and determination of planning applications.
- The access road to the site from Wheeldon Way/Ashes Avenue is unsuitable for the amount of traffic envisaged, and would be difficult for emergency vehicles to safely enter and exit the new development.
- Police advise that over a 6 day (24 hour) period, close to 40,000 vehicles passed through the village with some 38% exceeding the speed limit, Main Road is dangerous especially when there is snow and ice.
- In winter weather the junction of Eaton Close/Ashes Avenue/Wheeldon Way is often blocked by abandoned vehicles. Extra traffic will result in additional danger. The roads on the estate are impassable in winter and are rarely gritted.
- Increased traffic along Firs Avenue and Green Way will create a greater risk to children where the primary school is located.
- Hulland Ward has over the last 10 years had an increase to its housing stock by nearly 10%. The amount of housing planned for the Derbyshire Dales area is unsustainable in light of the projected population increase.
- There is an assumption that the existing and new sewerage works has the capacity to handle the extra capacity. Severn Trent Water are planning to serve 902 persons, the population of Hulland Ward is presently 829, leaving a spare capacity of 73. The new design of the sewerage works is calculated by Severn Trent Water to meet a projected 2035 population of 902, will extra capacity be funded by the developer or County Council? Will the occupancy of the new dwellings be capped at 1.5 persons? Who will pay for any upgrade that may be needed?
- Despite a projected increase in population of 4,600 people, the Council are planning more than 6500 new homes.
- The proposed new development indicates very little parking for the estimated number of vehicles, this will put extra parked cars on the estate and be a concern for emergency service vehicles.
- There is insufficient public transport to meet the expectation of this development. Will extra bus services be funded by the developer or the County Council?
- Affordable housing is poorly placed in a rural community with poor public transport and local employment. There is insufficient employment in the immediate area for such an increase in population. Social housing is best placed in towns where there is access to services and amenities. The area does not have housing need. With infrequent bus services any new resident seeking work

will use a motor vehicle. There are no main A roads connecting the village to Derby, only country lanes i.e A6, A52 or A38.

- Employers such as Rolls Royce and Toyota are difficult to reach by public transport, the 113 bus mainly serves QEGS pupils or Belper School.
- The 114 bus to Derby leaves at 6.47 and 9.12 in the morning and the last bus back leaving Derby at 17.33. This is not realistic for someone in full time employment.
- Residents of bungalows along Eaton Close and Ashes Avenue will be overlooked.
- The sites natural state may be insufficiently permeable for water to soakaway. There are fresh water springs on the site, which will be difficult to prevent water ingress into buildings and then for it to drain away. Alteration of the water course could affect neighbouring residents.
- The development will result in the loss of farmland and local wildlife will suffer. Contrary to the agents statement bats are present in the area. There is concern that the development will disturb their flight pattern and food sources.
- Brailsford and Hulland Ward medical practice could take a further 200-300 patients. Further development at Brailsford and Hulland Ward would take up the capacity. Loss of any GP will affect service level.
- There is no evidence that simply adding people to a local population is likely to support local services and businesses.
- Any increase in the number of properties should be gradual and phased in over a period of years, distributed where possible within the village.
- Loss of privacy affects a person's Human Rights, with the act stating that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.
- The north facing slope of the site offers reduced scope for home-owners to reduce their carbon footprint by generating solar energy.
- Hulland School has no employment opportunities contrary to the developers contention.
- The consultation exercise by Pegasus was met with concerns and insufficient answers/explanations to residents questions were provided.
- The proposed development is a mix of affordable housing and what is assumed to be unaffordable housing for the majority of the community. The existing housing estate is predominately bungalows with only a few two storey houses at the top of Eaton Close. However, the outline plans detail only a very small number of bungalows. To prevent overlooking the proposed development should be mainly comprised of bungalows. Terraced housing is not a feature of Hulland Ward, but is referred to in the Design and Access Statement.

- The design of the estate should reflect the character of the estate village housing, the density of the proposed housing is very much higher than the surrounding village.
- The developers building for life assessment is welcomed, but has been given little thought.
- Some of the applicants scoring on the merits of the application ie green, amber etc overlook the need for a major rethink on density, house type and the overall design of the development.
- The document by the village committee refers to population projections and measured population growth. Previous growth rates in Hulland Ward are cited for the period 2002-2012 which equates to the 'organic' housing need of 1.03 houses per year, a figure that has been comfortably achieved. With further reference to actual housing development in the village, it is contended that the village has continually met its housing need and there is no requirement to resort to large-scale housing development.
- The case of oversupply of housing in Hulland Ward compared to any real need is further reflected in the amount of time that the small developments have taken to sell. Despite a mix of houses ranging from affordable to relative luxury none of the development have sold out quickly. Given the transport and employment limitations of the village it does not make sense to increase the housing stock by more than 10% in one development.
- The requirement for at least 6500 new homes stated by the planning inspector when the emerging local plan was being considered makes no sense when compared to population forecast by the ONS.
- The current rush to build in Derbyshire Dales is mainly for commercial gain and not due to any objectively defined local requirement. The justification given is 'helping' DDDC to meet its housing need. It is only due to the District Council not having a five year housing supply that land beyond Settlement Framework Boundary's should find favour.
- According to a report prepared for DDDC in 2009 there was 'no identifiable housing need' in Hulland Ward area and this has been reiterated in subsequent reports and plans. Population data, both measured and projected, shows the organic growth of the housing stock in Hulland Ward already exceeds by some margin any increase in the population of the Derbyshire Dales.
- The Governments planning portal advises that unmet housing need may be measured when prices or rents rise faster than the national/local average, indicating perhaps a market undersupply relative to demand. In the East Midlands price growth has been consistently below the national average, indicating oversupply in the East Midlands. Indeed only in three months of the last three years has house price inflation in the East Midlands outstripped the national average.

- The planning portal also advises that if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect then likelihood of under-delivery of a plan. It is the case that Hulland Ward has consistently added organic growth when the Local Plan does not contain any plans for additional housing in the village. Hence there has been an oversupply compared to recognised need.
- The planning portal gives guidance on overcrowding. Nationally, some 4.7% of the 23.4 million homes are overcrowded. This is much lower in Derbyshire Dales at 1.7%. Whilst some 80% are classified as 'under-occupied'; in Hulland Ward the figures are 1.2% and 86.7% respectively.
- Whilst many people complain about the affordability of housing, building housing, which typical people on mean local wages cannot afford to buy is not the answer. If there is a true concern on the part of the development company in this regard, they should build houses that young people in the village can afford to buy unaided and start a family in.
- Housing most effective in maintaining local services and facilities is that, that is occupied by persons who need to live in rural areas for their livelihood and/or have close personal ties. Housing supply does not solve the problem of affordability.
- If the ONS projected population data is correct, Derbyshire Dales had already planned for too many houses at 4,400. If 6,500 homes were to be built this would equate to 0.7 people per new home.
- The NPPF states that 'at the heart of the National Planning Policy framework is a presumption in favour of sustainable development'. This development does nothing to sustain or enhance the community, nor does the community and its facilities enhance a housing development of this size.
- The proposed development does not help the Council to meet its carbon dioxide emission targets. It does not maintain the character of the village, enhance its vibrancy or improve its economic outlook.
- Hulland Ward is an area where the use of a car is essential, a significant cost both financially and environmentally.
- Hulland CE Primary School serves the local parishes and currently has 59 pupils on roll between 5 to 11 years of age. It has a planned admission age of 12 pupils a year and has limited capacity for a modest increase in size. Ofsted rated as being 'good' to 'very good', this has been achieved by a gradual and managed rate of change. Pupils associated with a housing development of this scale would, it is considered, have a damaging impact upon the school. The proposed 48 dwellings could generate at least 50 additional pupils over the period of one academic year, which would be difficult to manage and alter the nature of the school.
- Village facilities, other than the school and playing fields, are all across the busy main road.

- Ashbourne police are looking to down size. Increasing the population of Hlland Ward will not reduce the numbers of incidents of crime, as being remote does not safeguard against this. Other emergency services i.e. medical and fire are not quick enough to arrive due to being based at Ashbourne. More dwellings will add to this problem.
- The A517 lacks footways in places making it dangerous for pedestrians, cyclists, horse riding and carriage-driving. Adding more traffic is not the right thing to do.
- Access into the site along Wheeldon Way is the safe access into agricultural land on the east side of the village. The development will remove the existing rural vista and the link to the wider rural landscape.
- The local shop has a limited range of goods, necessitating car journeys to Ashbourne and beyond for the weekly shop.
- The Council should consider the adverse impact on the environment that vehicles associated with residents daily travel will have. An average motor car travelling to Derby, five days a week for 48 weeks per year will produce 960kg of CO2.
- The Council has previously considered whether this land should be developed for housing, regarding it as 'inappropriate in both scale and location'. In order to protect habitats, biodiversity and landscape character, the change of use should not be granted.
- The existing sewerage works serving Hlland Ward is undergoing a major re-design to make it a zero carbon installation by the incorporation of a reed bed system. As this has not yet settled in, it is not yet proven that it can handle existing sewerage flows. It would be sensible to await the outcome before ageing to increase the load. How would the developments' sewerage reach the works?, In periods of heavy rainfall this is already overloaded.
- What is the purpose of an attenuation pond? Will it be a danger to children, being located near a playing field?
- Surface water drainage is not good, as the village is built on a clay base and the majority of soakaway tanks in gardens work very poorly. Road drainage is already a problem and it is not unusual to see manhole covers lifting during periods of heavy rainfall.
- The footpath between the playing field and Moss Lane is already impassable for much of the year, due to water.
- Bats are observed flying low over the hedges and some residents have observed newts feeding in garden ponds. The proposed development will remove some of their habitat.
- The Councils SPD on Landscape Character and Design states its aims as:-
 - To protect and enhance the character, appearance and features in the landscape
 - To provide detailed guidance on landscape issues to be considered as part of any proposal

- To illustrate and encourage good practice
 - To encourage an integrated approach to development which includes comprehensive consideration of landscape issues
 - To help developers in their submission of planning applications
- The SPD compliments Adopted Local Plan policies NBE8 and NBE26 by providing detailed guidance on how new development can meet the aims and objectives of policies. It will raise awareness of design issue related to landscape character and provide an important reference point for developers on design standards ensuring that future development protects and enhances the character and local distinctiveness of the landscape. It is anticipated that the District Council will adhere to its own policies when it comes to reviewing the proposed development.
- Development should be concentrated in the larger Market Towns. Until recently the District Council was promoting and following a strategy which concentrated all large scale development in the Market Towns.
- All villages outside of the Peak District (except Brailsford and Hulland Ward) are described as being unsuitable for development. Less agricultural land would be lost if existing villages and hamlets had a proportionate increase in the number of houses, along existing roads, negating the need for new roads.
- New housing should contribute to the achievement of sustainable development, by the re-use of previously developed land and minimising the need to travel by motor car.
- Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable modes of transport can be maximised.
- The Council could fall foul of European Law on Human Rights of ignoring advice from the emergency services on where development should be located, i.e. concentrating most or all growth in market towns.
- Two housing proposals on the application site were previously refused. One for executive homes was refused on numerous grounds including services that do exist are used to capacity and the site being outside the framework of the settlement (an associated appeal was dismissed).
- The NPPF states in the Section 'Achieving Sustainable Development' that the planning system should have an economic role, ensuring that 'sufficient land of the right type is available, in the right places and at the right time to support growth and innovation'. This site is not the right type, being agricultural land, north facing (reducing scope for generating solar energy and as such reducing carbon footprint) and outside of a Settlement Framework Boundary. Public transport limitations and lack of employment opportunities mean it is not in the right place. It is also not the right time as Hulland Ward was not considered suitable for housing sites in the draft Local Plan.

- The environmental role of sustainable development is not achieved as the proposal would diminish the amount of open space and agricultural land available, in no way does it enhance or protect the natural environment, nor does it improve biodiversity. It would commit people to using a car to commute to work as local jobs are scarce. It will not help the Council meeting its greenhouse gas emissions targets. For these reasons it should be rejected.
- There will be transport costs in finding work in sustainable locations such as villages, towns and cities. Paragraph 17 of the NPPF, a core planning principle is that planning should 'take account of the different roles and characters of different areas', 'recognising the intrinsic character and beauty of the countryside. These fields, although fairly plain, are beautiful and represent the character of the local area which is dominated by agriculture.
- There are brownfield sites in villages, towns and cities which represent land of lesser environmental value and, until all of these are developed, this development should be rejected.
- The development will not reduce congestion, an aim at paragraph 30 of the NPPF. Paragraph 35 advises developments should be located and designed where practical to 'accommodate the efficient delivery of goods and supplies, give priority to pedestrian and cycle movements, have access to high quality public transport facilities, having facilities for charging plug-in and other ultra-low emission vehicles, with consideration to the needs of people with disabilities'. This development fails to meet these requirements.
- NPPF paragraph 39 considers the accessibility of development, which, in this case concerns a site that accessibility is particularly poor in winter. It has a single point of access at a point known to cause problems and where car ownership per dwelling may be more than one.
- No self-build opportunities are part of the proposals, if plots were to be made available this would give the development greater affordability.
- The land is used for agriculture and by the community for winter pastimes i.e. sledging, skiing. To suggest land that is in current use for food production, is surplus to requirements is somewhat missing a very important point. Loss of the only hill in Hulland Ward for safe winter play for many years 'as of right' should not be allowed and the application should be rejected.
- The Village Committee, which is formulating a neighbourhood plan, will wish this site to be designated as a local green space. Its development would represent a serious loss of amenity for the village.
- Paragraph 109 of the NPPF considers the natural and local environment and looks to protect and enhance valued landscapes. New and existing development should not increase the risk, or be put at unacceptable risk, or be affected by levels of soil, air, water or noise pollution or land instability. The development will not protect or enhance landscapes and will be put at risk from land instability. Grazed pasture with a high water table is environmentally valuable, encouraging biodiversity and helping birdlife, with thrushes, wading birds, snipe, curlew and skylark benefiting and nesting on such sites.

- Paragraph 121 of the NPPF says that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land stability, including from natural hazards. Building houses on land with a high water table and natural springs will not make the water go away, it will simply come up elsewhere. This shows evidence of poor research given problems have occurred previously with existing buildings. Desk based assessments for the geo-technical and geo-environmental surveys and with no site visit or research done in the previous remedial works, means that issues have been overlooked. The summer of 2014 has been uncharacteristically dry and warm, so the water table may be lower than usual.
- Policy H4 of the Council's Adopted Local Plan requires all housing outside Settlement Framework Boundaries to be either to support a rural business or to be entirely a scheme of affordable housing. The development does not comply with these requirements and should be rejected.
- Whilst the Council's Adopted Local Plan is out of date, weight may still be afforded to policies, as is the case in the applicant's planning statement at Section 4.0.
- Paragraph 4.5 of the applicants planning statement says that the proposed development is in accordance with Policy H9 of the Adopted Local Plan. However, the scale of the buildings is much different in height to 95% of the adjacent built development. It should therefore be rejected.
- Paragraph 4.7 of the applicants planning statement refers to the Adopted Local Plan policy H12, which deals with alternative provision for affordable housing. If the site is to be developed, there is no need for provision elsewhere and the development should all be affordable, not just 33% of it.
- The development will not enhance or protect the landscape and is contrary to Adopted Local Plan policy NBE8. It is also not confirmed that adequate provision for foul sewage can be achieved as required by Adopted Local Plan policy NBE12.
- The development is contrary to Adopted Local Plan policy TR3 as the public transport system is unsuitable for travel to work, at best it is suited to shopping and is used sparingly for this purpose.
- The rate at which the Council are being encouraged to build is far in excess of population increase projections and far in excess of other Councils. There is no reliable evidence for this.
- Section 5.0 of the planning statement seems to tell the Councils Planning Committee how to act and what grounds it ought to consider the proposal. This is not the place of the developers, nor should they cite which policies should be afforded little weight i.e. NBE8.
- There are numerous parts of the NPPF and Local Plan policies that suggest the application should not be supported despite the planning statement implying to the contrary.

- Paragraph 5.16 of the planning statement seeks to assure the elected Members that because a plan has been produced, the proposals are in conformity with the Adopted Local Plan policies H9 and NBE26. However it is impossible to judge at this stage as these would be confirmed in the reserved matters.
- Paragraph 5.24 of the planning statement says that the development is necessary for the expanding population and to sustain local businesses and services. However, this can only be achieved by making the development affordable in totality. Also ONS data for the next 15 years refers to the population of the village increasing by some 30-40 people. These could be housed in around half the number of houses proposed, with Hlland Wards strong record of house building.
- The need for a 5 year supply (plus buffer) of housing development land, does not override consideration of harm to the landscape or environment, as confirmed in the appeal case decision DDDC vs Aggregate Industries (2012) ref. APP/P1045/A/12/2175075.
- Paragraphs 5.38 and 5.46 seek to calculate the shortfall in housing land supply, but this information is out of date given the acceptance of large developments in and around Ashbourne.
- Paragraph 7.1 of the planning statement states that the NPPF sets out the weight to be given to individual adopted and emerging local plan policies. It does not do this but gives some very basic guidance and does not direct Members to any specific weighting.
- Implying that the proposed development is not on a site where development should be restricted, but this is incorrect. It is outside of a Settlement Framework Boundary and concerns land that has recreational and sports use, albeit seasonal.
- At paragraph 7.5 of the planning statement the applicant admits that any adverse impacts would not be outweighed by the clear benefits arising from the proposals.
- In accordance with Section 38(6) of the Planning and Compulsory Purchase act (2004) and the presumption in favour of only sustainable development, the application should be refused. It is obviously unsustainable in terms of economic, environmental and social respects.
- Census statistics indicate Hlland Ward has a population, as a whole, older than the national average and the Derbyshire average indicating that it is an older persons location. There is a reasonable argument to point to any new housing being targeted at this age group, given its quietness, beauty and rural location. The proposed development would change this.
- The proposed development would result in pressure for expansion of the medical, transport, sewerage and shop facilities which are designed around the present populace. Without additional capital expenditure or increasing the subsidy to bus transport, this is not sustainable.

- With Section 106 contributions the community might benefit from a new school, a new village hall, new sewage works and new and improved medical facilities but it is not one or the other of these that would be required, but all of them. This investment would be substantial and unlikely to be within the developers profit margins.
- The sudden expansion of the village would be directly against government policy on the environment, climate change, emissions, environmental and agricultural policy. Increase in localised employment will result in anti-social behaviour. The Council would be deliberately pulling individuals into an area which is outside of government set response times for emergency services, potentially a culpable offence and a direct infringement of the absolute 'right to life'.
- If the Council listen to the people of Hulland Ward, as they are on record as saying, they should only reach one conclusion, that the development is totally inappropriate.
- We ask that our countryside is not sacrificed, that the community is given a fair say and housing is developed in the right place, particularly affordable homes.

Individual letters and emails

Some 38 letters / emails have been received, some in duplicate and from the same address, many of which reiterate the comments / concerns expressed by the Hulland Ward Village Committee above and will be set out in a similar, but to avoid duplication, less detailed bullet point format.

- The access to the site is extremely narrow.
- The site is very wet due to underground springs.
- Many properties in the area are vacant.
- There is little employment opportunity locally.
- Public transport is limited.
- The estate roads are bad in winter.
- Will the new sewage system be able to cope?
- Impact on local wildlife and flora.
- The village has constantly over-delivered on new housing.
- The applicant has dismissed the danger from radon. Remedial measures should not be ignored as Hulland Ward has previously been identified as having reasonably high levels of radon.

- The village has embraced small developments of affordable housing as exception sites.
- The developer has underestimated the number of vehicle trips the development will generate.
- Who will pay for any structural damage caused by developing the site?
- The offer of funding one extra bus service per year is wholly unsuitable.
- The development will obliterate the landscape leaving only the basic contour. It is contrary to Local Plan Policy NBE8.
- A similar site in South Somerset District Council's area for 110 homes was refused on appeal (non-determination). The Inspector noted that whilst the landscape lacked any official designation, it was of intrinsic value, something which the NPPF advocates should be protected and enhanced.
- The Somerset appeal case has many similarities to the proposed development and the Inspectors decision to dismiss the appeal was taken in spite of Somerset not having a five year supply of development land at the start of the planning applications. The Inspector concluded that *'the substantial and specific harm to the natural environment that would arise from this development, and the short comings of the location in terms of its accessibility and sustainability would significantly and demonstrably outweigh the acknowledged benefits of the proposal'*
- Lack of sustainable transport modes led to an Inspector judging a development in Somerset to dismiss an appeal. Persons wishing to visit towns in an evening or leave the village on Sunday have no choice but using private motor vehicles or expensive taxis. Cycling on the A517 is dangerous and the terrain makes it a pursuit for only the fittest and most enthusiastic cyclist.
- The Transport Statement overstates the number of bus services and fails to say that the timetable is not suitable for full time workers. The development would commit people to use the private car contrary to NPPF paragraphs 17, 30, 39 and 95.
- The Highway Authority refer to 'substantial travel modes' which are not a reality to the people of Hlland Ward. Bus services are to be curtailed even further (Ashbourne news Telegraph 17.12.14) and the developers should as a minimum start their transport assessment again.
- The developers admit to 30 vehicle trips per hour in their document (unrealistic low level of car use based on existing levels in Hlland Ward). They have not done a standalone Capacity Assessment as required by government guidance.
- Traffic descending down Eaton Close are, in snowy conditions, unable to safely turn right onto Wheeldon Way, a manoeuvre compounded by the adverse camber of the junction. If there is added traffic emerging from the left, out of the

proposed development, this already difficult junction will be made more dangerous, difficult and in bad weather, inoperable.

- Where Wells Close spurs from Wheeldon Way, the road is already giving and cracking. Heavy vehicles or a greater volume of traffic will compound this.
- The junction of Firs Avenue with Main Road, is already quite difficult to get out of.
- It is not true to state that building will make the house prices more affordable, it is the access to credit that is the main drive of the house price movements.
- The consultation by Pegasus on behalf of the developer has been only partial and was anything but robust. It was portrayed that the development was a 'fait accompli'.
- The consultation exercise does not constitute 'full public consultation', with no public meetings, options discussed no opportunity to voice concerns in person and for the developer to take concerns on board and reassess their plans.
- Why, on such a controversial scheme with the number of problems outlined, the Council is happy to let almost all matters be reserved until the detailed stage, is a mystery. The Committee ought to be fully satisfied that any development on green field sites definitely offer an improvement over leaving the land undeveloped. This is certainly not the case here based on advice in the NPPF, the Adopted Local Plan and those policies of the emerging local plan, which are not expected to change in light of its rejection by the Planning Inspector.
- Adding housing development to a rural area whose medical practice is already creaking under pressure of numbers and time is likely to result in no small amount of discomfort, pain and suffering.
- The local school may have some capacity but with some 1000 plus new dwellings approved in the Ashbourne area, the town and neighbouring villages schools will be fully subscribed. Given the excellent reputation Hlland Ward school has, it is likely to be swamped by overspill from Ashbourne, which questions any places being available to children living in the proposed development.
- Photographs by the applicant do not give a true impression of the visual impact of the proposed development.
- There are similarities with the recently refused development at Asker Lane, Matlock. The same reasons for refusal would seem to apply here.
- Brownfield sites such as worked out or unusable quarries, gravel pits and sandworks should be considered for development before agricultural land. These are generally more hidden from view and tend to be colonised by nature, even with new development in them.
- Developer contributions such as for school places, traffic improvements etc, should not outweigh impending problems that may exist, especially if the monies are not utilised in advance of need. The full implications of the development

should not be left to a reserved matters stage, when contributions have been agreed, only to find they are not adequate.

- There are many market homes for sale within a 5 mile radius of Hulland Ward, but very few people can afford them locally, even when prices are lowered. Properties will continue to come onto the market when couples separate, when some newly formed households are created or when people die. However, the Council are being required to supply homes for many, many more people than what will be required.
- Dwellings on the existing estate have for the most part been extended, suggesting they were too small in the first place. At the density illustrated, the proposed dwellings will be even smaller and will therefore not be fit for purpose.
- Most dwellings will have 2 cars as two salaries will be required to afford them and work opportunities in the immediate vicinity are limited.
- More vehicles will visit the estate with the upsurge in internet shopping / courier delivery, adding to on-street parking and increased traffic flow on the narrow road network.
- A pelican crossing for residents to cross Main Road to reach village facilities has not been mentioned.
- The water attenuation pond is for surface water drainage and is located at the bottom of the site, adjacent to the village playing field. To avoid the potential for serious consequences (to children), it will need to be securely fenced off, turning from a bio-diverse wildlife habitat to a prison-like eyesore.
- If agricultural land is continued to be developed, how will we feed ourselves in years to come? The population is 60+ million, whereas France, which is 3+ times the size of England has only 40 million.
- No provision is made for a green corridor for existing wildlife, that use the hedge bordering the new development.
- A village development of an area that relies on tourism should ensure that it does not detract from the village aspect.
- The proposed development will not sit well with either Biggin by Hulland, which is only a small village, nor Hulland Ward where its impact will be fully felt. Hulland Ward was not identified in the recently submitted Local Plan as needing any significant housing development.
- Smaller developments spread through the village would be more appropriate for the integration of people into the community. A bolt-on development such as proposed, may result in a 'them' and 'us' attitude.
- The development should have effective vegetative screening to existing dwellings and be single storey to safeguard privacy and reduce visual intrusion in the landscape.

- The Localism Act promotes a substantial and lasting shift in power away from central government and towards local people, reform to make the planning system more democratic and effective and reform to ensure that decisions about housing are taken locally.
- If the new sewerage treatment works is a reed bed system, should this not be allowed time to reach its full potential before it might be overloaded.
- Outline planning permission was refused in 1991 for housing development on this land and again in 1995 when a proposal for 12 starter homes was refused due to there being no identifiable housing need. Is this not a recent planning history?
- Since 2002 there have been 42 new planning permissions in the village, some of which are still under construction. Any affordable homes would need to be priced at below £100,000 for the local residents to be able to afford them.
- Severn Trent Waters letter regarding the foul water system, date 4th April 2014 is out of date. It does not mention the ongoing upgrades.

The application has also resulted in a petition being submitted with some 237 signatures comprised of residents of Hlland Ward (197), Hlland Village (10), Biggin by Hlland (18) and other (12). The participants object to the proposed development for the following reasons:-

- It does nothing to protect or enhance the environment or character of the village
- It will make traffic problems worse, particularly in the winter, and will increase greenhouse gas emissions.
- Housing development should be small scale development which the village has always supported.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- SF7: Waste Management and Recycling
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design And Appearance Of new Housing
- H13: Affordable Housing Exceptional Sites in Rural Areas
- NBE4: Protecting Features Or Areas Of Importance to Wild Flora and Fauna
- NBE5: Development Affecting Species Protected by Law or are Nationally Rare
- NBE6: Trees and Woodlands
- NBE7: Features Important in the Landscape
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE24: Archaeological Sites and Heritage Features
- NBE26: Landscape Design in Association With New Development
- NBE27: Crime Prevention
- TR1: Access requirements and the Impact of New Development
- TR2: Travel Plans
- TR3: Provision for Public Transport
- TR8: Parking Requirements For New Development
- CS8: Provision of Community Infrastructure

L6: Outdoor Playing and Play Space in New Housing Developments

2. National Planning Policy Framework (2012)

Paragraphs 14, 17, 47, 49, 50, 56, 57, 58, 60, 61, 64, 65, 69, 72, 73, 93, 94, 95, 96, 99, 103, 109, 112, 119, 125, 186, 187, 188, 189, 190, 191, 185, 196, 197, 203, 204, 205 and 206.

Annex 1 Implementation paragraphs, 210, 211, 212, 213, 215 and 216.

3. National Planning Policy Guidance (2014)

4. Landscape Character and Design Supplementary Planning Document (July 2007)

ISSUES:

1. Planning Policy Context

In assessing the planning merits of the submitted application it is important to first provide the planning policy context for the determination of the proposal. The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision making (paragraph 12), in accordance with paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

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

In the context of this application which seeks the release of greenfield land outside the existing settlement framework boundary of Hulland Ward to meet the future housing needs of the district it is particularly important to reassess the degree of conformity and relevance of policies in the Adopted Derbyshire Dales Local Plan (2005) with the NPPF.

The Derbyshire Dales Local Plan was adopted on 24th November 2005 and covered the use and development of land across the District up to 2011. Key to the consideration of any application for housing development in the countryside are Policies SF4 - *Development in the Countryside* and H4 - *Housing Development outside Settlement Framework Boundaries*. Both of these policies were written to control housing development in a context where housing needs were to be met within the existing settlements within the original plan period to 2011. In this context Policy H4 is out of date and Policy SF4 is out of date in as much as it seeks to restrict development to within Settlement Framework boundaries. It does, however, have a dual role in seeking to protect the countryside and in this regard continues to carry some weight.

Of further relevance is paragraph 47 of the NPPF which states that in order to 'boost significantly the supply of housing' local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% or 20% to ensure choice and competition in the market for land. Paragraph 49 of the NPPF states

that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

At the current time the District Council has, based on the initial conclusions of the Inspector examining the emerging Draft Derbyshire Dales Local Plan (2014) withdrawn the Plan from examination. Based on the preliminary findings of the Inspector that the Local Plan should be seeking to provide “for at least 6,500 dwellings” over the plan period and not the 4,400 set out in the Submission Draft Plan, the District Council cannot currently demonstrate a five year supply of deliverable housing sites. Accordingly, in line with guidance in paragraph 49 of the NPPF relevant policies for the supply of housing should not be considered up to date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites and paragraph 14 of the NPPF as set out above is engaged.

In order to meet the higher housing target requirement of 6,500 dwellings identified by the Local Plan Inspector the District Council needs to ensure that additional sites for housing development in sustainable locations are brought forward. The application site is situated adjacent to the existing settlement framework boundary of Hulland Ward. Hulland Ward is identified in the adopted Derbyshire Dales Local Plan and emerging Revised Derbyshire Dales Local Plan as one of the ‘larger villages’ within the plan area. Larger villages such as Hulland Ward are considered to be sustainable locations which generally have good local infrastructure and services; and accessibility to the town and larger centres of the plan area.

In considering the planning merits of the proposed development consideration should be given to other elements of the NPPF and existing Adopted Local Plan Policies where they are deemed in conformity with the Framework and attributed weight in the decision making process.

In this regard in considering the site’s development potential, it is necessary to think whether there are any environmental constraints that would necessitate consideration of the proposal against Policies NBE1 to NBE8 – in particular Policy NBE8 that indicates that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape.

Assessment of the proposal, where the issue of access is unreserved should include consideration against policy TR1, which seeks to ensure that development proposals requiring to be served by vehicles should be accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road network. In this regard the views of the Highways Authority should be obtained.

In conclusion, in determining this application given the District Councils current Local Plan policies pertaining to housing are out of date, that the District Council is currently unable to demonstrate a five year supply of deliverable housing sites and given that the sites location adjacent to Hulland Ward may be regarded to constitute sustainable development, in principle the proposal would appear to be in accordance with the overarching guidance in the Framework. However, in balancing the merits of the proposal the presumption in favour of sustainable development should not be considered a green light to approve development that is unsustainable and not in accordance with para 14 of the NPPF.

Therefore in this instance the key issue would appear to be whether the potential environmental and landscape impacts of the proposal would be of such significance as to demonstrably outweigh the presumption, especially in the absence of a five year supply of land for housing.

2. Other Material Considerations

Greenfield sites such as this one have previously been considered by the local authority for housing development. A recommendation is reached after the merits of approving the development, that is needed District-wide, has been weighed against any harm that would result and conflict with, elements of the Development Plan and other relevant planning guidance within the NPPF. To assist this assessment, the remainder of the “Issues” section is set out as follows, before returning to the planning balance at the end of the report.

- (i) The sustainability of housing in this locality
- (ii) The impact of development on the character and appearance of the area
- (iii) Impact on amenity of adjoining residents
- (iv) Provision of affordable housing
- (v) The impact on Archaeology
- (vi) Highway/pedestrian safety
- (vii) Provision of infrastructure through developer contributions
- (viii) Open Space
- (ix) Impact on flora and fauna
- (x) Drainage

(i) The Sustainability of Housing in this Locality

The development of greenfields outside the Settlement Boundary is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the District. Even if all brownfield sites came forward, there would still be a requirement for greenfield sites to meet the requirement for 6,500 plus dwellinghouses.

The site is situated adjacent to Hulland Ward, but within the Parish of Biggin-by-Hulland. Hulland Ward, as previously stated, is one of the larger villages within the Derbyshire Dales planning area, which has previously been identified as a sustainable location. Hence, development of an appropriate scale to the current size of the settlement immediately adjacent to the defined Settlement Framework Boundary, in the current housing situation, is not, in principle, considered to be unacceptable. Indeed, planning permissions have recently been granted by the District Council and at Appeal, in locations adjacent to Settlement Frameworks of Market Towns / larger villages of the Derbyshire Dales. The public comments on sustainability are duly noted, but this could apply to most areas where a settlement is extended by housing development. The net density is stated to be 31 dwellings per hectare which, based on previously relevant guidance, is not regarded as excessive (i.e. between 30-50 dwellings per hectare). Whilst the submitted layout is indicative, the maximum number of dwellings would be 48 if any outline permission was to be followed by a reserved matters application. Additional housing can help to sustain village services and possibly promote improved public transport and infrastructure, but this has to be weighed in the balance with other impacts, such as the impact on the character and appearance of the area.

(ii) The Impact of Development on the Character and Appearance of the Area

The submitted illustrative layout is only an indication of how, up to 48 dwellings, could potentially be arranged upon the site. The landscape character of the site comes within the Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands Landscape Character area. The site and surrounding area are typical of the type in the following respects:-

- A gently rolling upland plateau extending onto ridge tops
- Pastoral farming with some cropping
- Densely scattered boundary trees and occasional small woodland blocks, and
- Small to medium fields surrounded by hedgerows

An assessment of the possible impact of the site being developed for housing was undertaken when the withdrawn Local Plan was being brought forward previously. Enclosed on two sides by existing development and with hedgerows and hedgerow trees helping to screen views from the north-west, this leaves medium to long range views from the north-east, but these are generally filtered by intervening hedgerow and hedgerow trees. Whilst there will be some adverse impact on local visual amenity, the site is substantially screened from wider public view. The backdrop of higher ground to the south helps to mitigate visual impact in views from the north.

The main concern would be to retain and protect the existing hedgerows/hedgerow trees as far as possible to help assimilate any development into the existing landscape. The indicative layout and supporting information confirm that this will be the case. The open space at the northern end of the site may afford a link through to the existing playing field and associated facilities; the open space at the higher, southern end of the site would keep the housing away from the existing ridgeline boundary of the site. Viewed from above, the site would appear to be an appropriate expansion to the existing housing estate, with its own mature landscaping along three sides and proposed (indicative) appropriate landscaping along the boundary with existing housing. The location of the proposed balancing pond will not appear to be at odds with the contours of the site adjacent to the existing ditch. Overall, with the retention of the existing hedgerows/hedgerow trees, additional native planting within the development area and the public open spaces, impact on the character and appearance of the landscape is such that rejection of the proposed development on grounds of adverse landscape impact would not, it is considered, be appropriate.

(iii) Impact on Amenity of Local Residents

The concerns that have been expressed by local residents regarding the potential impact on residential amenity, particularly on privacy, light and outlook are noted and appreciated. However, whilst these concerns are understandable it must be remembered that the layout is indicative and as such may be subject to appreciable change if any detailed / reserved matters application is submitted.

(iv) Provision of Affordable Housing

The Councils Head of Housing has set out in the 'Consultations' section of this report, what is considered to be appropriate. The applicant, in the submitted planning statement proposes that up to 33% affordable housing be delivered on-site. However, this conflicts with the research undertaken to support the emerging Local Plan's requirement for 45% on green field site development. The applicant has subsequently confirmed that a 45% affordable housing contribution will be made via a mix of on-site dwelling and off-site contribution. The precise amount of affordable housing, a mix of both on-site and off-site will be the subject of a S106 agreement, and also the subject of a planning condition.

(v) The Impact on Archaeology

Notwithstanding the submitted details, the Development Control Archaeologist has advised that further investigation, via archaeological evaluation work, is required to clarify whether any archaeological interest is present on site. The applicant has agreed to carry out a geo-physical survey and the results of this will be presented at the Committee Meeting. (This will clarify whether a bespoke condition would need to be included in respect to archaeology, in any permission that is granted.)

(vi) Highway/Pedestrian Safety

The Highway Authority, given that the application seeks outline planning permission with means of access only, has not provided any detailed comments regarding the indicative layout of the proposed development (advice is provided on design should the developer be seeking to have the highways adopted), The concerns of the local community about the access roads onto the A517 from Firs Avenue are noted. However, the Highway Authority made reference to the accident records in the area of the A517 over the last 3 years and with only 3 reported incidents they do not identify any common causation factors that warrant further investigation, or that would be exacerbated by the introduction of extra vehicles associated with the proposed development.

The speed of the vehicles leaving the site on the short section of Wheeldon Way is likely to be low given the limited extent of carriageway before, where it meets Ashes Avenue and the nearby junction with Eaton Close. It is acknowledged that throughout the Derbyshire Dales area, many roads, especially in winter driving conditions, are difficult to negotiate and cars may be 'abandoned' due to snow / ice preventing them reaching their destination. However, the Highway Authority has not raised concern about the proposed developments impact on the Local Highway Network. Whilst it would appear that traffic leaving the proposed development will have good visibility of the junctions with Ashes Avenue and Eaton Close, the Local Highway Authority can introduce traffic management measures where a new or ongoing safety issue merits consideration and mitigation.

(vii) Provision of Infrastructure through Developer Contributions

In accordance with the Developer Contributions Protocol set out in the NPPF, Derbyshire County Council has considered the effect of the proposed development on strategic infrastructure and services. In their consultation response they set out the developer contributions that would be likely to be required as a result of the developments' anticipated impact, primarily in respect to school places. They consider the requirements accord with the three tests set out in the NPPF at Paragraph 204 in that they are: -

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

It is of course the case that the application is outline and for 'up to 48 dwellings'. Should any reserved matters/full planning submission be less in dwelling numbers, the financial contributions may need to be adjusted on a 'pro-rata' basis.

Whilst the Local Planning Authority does not have a policy in place in respect to CIL (Community Infrastructure Levy) it is considered that any contribution toward local health / medical facilities should be confirmed and where justified identified for provision in the locality. The applicants have raised this matter with the Area Team for the NHS and are awaiting a response. Should a specific infrastructure project be identified, this may be included with a S106 agreement with an appropriate timescale for implementation.

(viii) Open Space Provision

There is a requirement under Adopted Local Plan Policy L6 to make appropriate provision for open space and play areas within developments of this scale. The applicant has provided an indicative layout of how this could be achieved on the site. Nevertheless, the provision of up to 48 houses on a 2 hectare site is not a density that is unacceptable, whether or not this is higher than the density of housing on the adjacent estates.

(ix) Impact on Flora and Fauna

The supporting documents indicate that the intention is that the existing hedgerows and hedgerow trees are retained, although none were considered to be 'important' under the Wildlife and Landscape criteria of the Hedgerow Regulations. However, Derbyshire Wildlife Trust (DWT) advises that all the hedgerows on the site meet the definition as UK BAP Priority Habitat. Their retention is therefore important and, where any need to be removed to facilitate access, the hedgerow should be fully compensated for. The applicants are aware that DWT do not support native hedgerows to be used as garden boundaries, as their status may be at risk and their wildlife value could significantly diminish. Hence, any detailed layout for the development should acknowledge this. (DWT suggest hedgerows come within undeveloped green corridors with a suitable landscape buffer). As stated in their consultation response, hedgerows and hedgerow trees should be protected at the construction stage and a planning condition be imposed to protect nesting birds.

(x) Drainage

Notwithstanding the comments received from the local community, the Environment Agency has confirmed that they have no objection in principle to the proposed development subject to bespoke planning conditions being imposed relating to surface water drainage and if any contamination is found.

3. Conclusions

Part 1 of the Issues Section of this report sets out, in some detail, what the current planning circumstances are concerning the Adopted Derbyshire Dales Local Plan (2005); the National Planning Policy Framework (2012) and the previously emerging, but subsequently withdrawn from examination, replacement Local Plan. The District Council is required to provide at least 6,500 dwellings and the site being proposed is adjacent to an existing Settlement Framework Boundary, as defined in the ADDLP (2005). It is inevitable that greenfield sites outside of Settlement Framework Boundary's will need to be developed if the requirement for at least 6,500 homes is to be achieved and this location is considered to be sustainable.

Therefore, in the current set of circumstances, the overarching basis for assessing this application is Paragraph 14 of the National Planning Policy Framework. This guidance requires decision-takers in assessing sustainable development, where the development plan is absent, silent or relevant policies are out-of-date, to grant permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or*
- *specific policies in the framework indicate development should be restricted*

Whilst this guidance has a presumption in favour of sustainable development it is not a green light to approving development that is clearly unsustainable in terms of its location and comparative scale.

The submitted proposals include a Landscape Appraisal and a Visual Appraisal and an indicative layout of how the site may potentially be developed. It is stated that existing hedgerows and hedgerow trees are to be retained and additional planting is to be carried out, as would be expected for a development of this nature. The requirements of Adopted Local Plan Policy NBE8 have also been considered together with advice at Part 11 of the NPPF "Conserving and Enhancing the Natural Environment". Based on the assessment set out at "Other Material Considerations" Part (ii) The Impact of Development on the Character and Appearance of the Area, it is not considered that any adverse impact on landscape character would be so significant as to merit a recommendation of refusal. It is also the case that Derbyshire Wildlife Trust is not opposed to the development subject to hedgerow retention and appropriate safeguards being imposed in respect to the bird nesting season.

It is clear that the local community greatly value the site for winter activities such as sledging but whether this has established any right of use is a private matter and not before the Council as a formal constraint that would prevent the site from being developed.

With regard to highway considerations, the Highway Authority is not opposed to the proposed access to the site. As such, the aims of Adopted Local Plan Policy TR1 are considered to be satisfied. The Highway Authority do not consider that there would be demonstrable harm caused to highway safety, nor would there be a severe impact on the existing highway network sufficient for them to raise a sustainable objection to the proposed development. Whilst it may be possible to cycle from the site to reach the larger range of facilities and employment opportunities in places such as Ashbourne and Belper, in practice, it is considered that very few people would undertake this albeit a sustainable means of travel. It is also the case that whilst the Highway Authority acknowledge that bus stops are reasonably near to the site, the service at present is limited and does not suit travel to work times of day that commuters would require as confirmed by the local community. However, it is possible that the proposed development could generate additional demand for bus related travel and as such could potentially increase demand for an improved service delivery. It is not known what, if any, lobbying by the local community of the bus service companies has been carried out to date to improve the existing service. The proposed development could add weight to the call for better services to be delivered.

Clearly, in balancing the merits of the proposed development there will always be some adverse impact when a site, previously protected by robust planning policies is no longer protected to the same degree, due to the need for significant new housing development to be provided across the District. It is also the case that the District Council cannot reasonably decline to determine applications such as this based on pre-maturity, in regard to the emerging local plan.

Although it is legitimate to properly consider the scale of development proposed, particularly around smaller settlements and the impact of development in terms of its wider sustainability and impact on the landscape the view of officers is that in the current circumstance of having to meet a much greater housing requirement than previously envisaged the scale and location of this development are not inherently unsustainable.

In the final balance, whilst the release of development sites ahead of the Local Plan process running its course is understandably unpopular, the publication of the National Planning Policy Framework has changed the balance in decision-making to promote more housing and other forms of sustainable development. In the current circumstances, and

having due regard to the contents of Paragraph 14 (NPPF), it is concluded that the benefits of granting permission for this generally sustainable development, broadly accords with relevant Adopted Local Plan Policies which are consistent with the Framework and are not significantly and demonstrably outweighed by any adverse impacts. As such, the granting of outline planning permission is appropriate.

OFFICER RECOMMENDATION:

That authority be delegated to the Development Manager to grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site affordable housing provision, a financial contribution towards off-site affordable housing provision, a financial contribution towards provision of education facilities, and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.
2. An application for details of the following matters (hereafter referred to as the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development;
 - d) the landscaping of the site.The development shall thereafter be implemented in accordance with the approved details.
3. No development shall take place, including any works of demolition, until a construction management plan / construction method statement has been submitted to and be approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The plan / statement shall provide for:
 - a) Parking of vehicles for site operatives and visitors
 - b) Storage of plant and materials and site accommodation
 - c) Routes for construction traffic
 - d) Method of prevention of mud / debris being carried onto the public highway
 - e) Arrangements for loading / unloading and turning vehicles within the site.
 - f) Site access arrangements and any roadside hoarding.
4. Notwithstanding the submitted information any subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained with the County Councils 6C's design guide and the Manual for Streets document issued by the Departments for Transport and Communities and Local Government.
5. Prior to the occupation of each dwelling, the proposed estate streets between that dwelling and the existing public highway shall be laid out in accordance with the scheme approved, in accordance with Condition 4 above, or as subsequently revised

and approved in writing by the Local Planning Authority, constructed to base level, drained and lighted in accordance with the County Councils specification for new housing development roads.

6. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of residents and visitors vehicles associated with that dwelling, laid out in accordance with the scheme approved, in accordance with Condition 4 above, or a subsequently revised and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.
7. The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 4 above shall provide for bin stores within private land to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary, causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate to and shall be retained free from any impediment to their designated use thereafter.
8. Private driveways / parking spaces to the proposed estate streets, the subject of Condition 5 above, shall not be taken into use until 2 m x 2m x 45 degree pedestrian inter-visibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (as amended) any garage accommodation / parking space to be provided in connection with the development shall not be used other than as garaging and parking of vehicles, except with the prior permission of the Local Planning Authority granted on an application made in that regard.
10. Unless otherwise agreed in writing with the Local Planning Authority, the proposed access driveways / parking spaces to the new estate streets shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
11. Unless otherwise agreed in writing with the Local Planning Authority, in consultation with the Highway Authority, no works shall commence on site until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained accordingly thereafter.
12. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate
 - o Surface water drainage system/s to be designed in accordance with CIRIA C697 and C687, or the National SUDs Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.

- Limiting the discharge rate generated by all rainfall events up to the 100year plus 30% (for climate change) critical rain storm, ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the design system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Details of how the on-site surface water drainage systems shall be maintained and managed after completion, and for the lifetime of the development, to ensure long term operation to design parameters.
13. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
14. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.
- The scheme shall include the following elements:
- i. detail extent and type of new planting (NB planting to be of native species);
 - ii. details of maintenance regimes details of any new habitat created on site;
 - iii. details of treatment of site boundaries and/or buffers around water bodies, and
 - iv. details of management responsibilities.
15. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning

Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

16. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - i. The numbers, type, tenure and location of the on-site affordable housing provision to be made, and the offsite financial contribution; which together will realise a 45% contribution.
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
17. No dwelling shall be first occupied until: -
 - i. A scheme for the laying out and equipping of amenity spaces and a play area, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the areas and equipment, has been submitted to an approved in writing by the Local Planning Authority; and
 - ii. The amenity areas and play area have been laid out, and in the case of the play area equipped, in accordance with a phased scheme to be approved in writing by the Local Planning Authority.
18. With regard to the requirements of condition 2(d) of this decision notice, the applicant should have due regard to the landscaping proposals concerning the proposed balancing pond at the northern end of the application site. The balancing pond needs careful consideration to ensure its design / landscaping assimilates it into the landscape. The eastern boundary of the site requires native

hedgerow and native tree planting to form an appropriate landscaping treatment between the proposed and existing housing.

19. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and acknowledged in writing by the Local Planning Authority.
20. Condition SD12: Land Affected by Contamination – Submission of Remediation Scheme
21. Details for the on-site provision and maintenance of a children's play area and its future maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed play provision shall be installed to an agreed timescale and completed to the written satisfaction of the Local Planning Authority unless prior written agreement is given to any variation.

Reasons:

1. ST01a
2. ST03a
- 3-11. In the interests of highway safety to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).
12. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the advice at Part 10 of the NPPF.
13. The NPPF paragraph 109 states that the Planning System should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or by being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person is presented (NPPF paragraph 121).
14. Reason LA13a
15. To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity in accordance with the aims of Policies SF5, H9, NBE6 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and to comply with Government guidance contained in the National Planning Policy Framework.

16. In order to secure the provision of affordable housing in accordance with the advice at part 6 of the National Planning Policy Framework, Delivering a wide choice of high quality homes.
17. To ensure the provision of an adequate level of play space facilities to the development site, in accordance with the advice at part 8 of the National Planning Policy Framework, Promoting healthy communities.
18. To ensure a satisfactory standard of landscaping in the interests of visual amenity, in accordance with the aims of Policies NBE8, NBE26, H9 and SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).
19. To protect protected species and their habitats within and adjacent to the development site and to comply with government guidance contained in the National Planning Policy Framework and the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005).
20. Reason SD12 the advice in paragraph 109 of the National Planning Policy Framework.
21. To ensure appropriate play provision is provided in accordance with the aims of Policy L6 of the Adopted Derbyshire Dales Local Plan.

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial concerns with the application relating to further supporting information.
2. The following Advisory Notes are provided by the Local Highway Authority:
 - (i.) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any action against the householder.
 - (ii) Pursuant to Section 163 of the Highways Act 1980 where the site curtilage slopes down towards the public highway / new estate street, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
 - (iii) Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic

Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone : 01629 533190. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

- (iv) Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or water course) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively.
 - (v) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - (vi.) Car parking provisions should be made on the basis of 1.5 spaces per one bedroom dwellings, 2 spaces for two or three bedroom dwellings and 3 spaces for dwellings consisting of four or more bedrooms. Each space shall measure a minimum of 2.4m x 4.8m (larger for disabled spaces) with adequate space behind each space for manoeuvring.
 - (vi.) Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
3. The following Advisory Notes are provided by the Environment Agency:
- (i) With respect to the requirements of Condition 12 above, the Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
 - (ii.) In terms of ground and surface water risk the site proposed for the new residential development is located on Secondary Category Aquifers. These are permeable layers capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers and can support local abstractions that are used for commercial purposes.
4. Any security measures implemented in compliance with any subsequent reserved matters or full planning permission should seek to achieve the 'Secured by Design' accreditation awarded by Derbyshire Constabulary.
5. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the

Authority is £97. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

6. This decision notice relates to the following documents :

- Site Location Plan (EMS.2094_007)
- Topography Plan (19994OGLREV0)
- Illustrative Layout (EMS.2094_005D)
- Planning Statement
- Design and Access Statement incorporating Landscape Assessment
- Transport Statement
- Flood Risk Assessment
- Foul Water and Utilities Statement
- Tree Survey
- Extended Phase 1 Habitat Survey
- Bat Survey
- Archaeological Desk Based Assessment
- Geo-Environmental and Geo-Technical Statement
- Consultation Statement

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PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
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
14/00331/CLPUD	Headlow Fields Farm, Snelston	WR	Appeal being processed
14/00408/PDA	Overtown Farm, Overtown, Hognaston	WR	Appeal being processed
13/00529/FUL & 13/00530/LBALT	Waldley Manor, Marston Montgomery	WR	Appeal being processed
14/00427/PDA	Toad Holes Barn, Hulland Ward	WR	Appeal dismissed – copy of appeal decision attached
14/00362/PDA	Firs Farm, Cubley Common	WR	Appeal being processed
14/00429/PDA	The Cedars, Hollington	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 9 January 2015

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 30 January 2015

Appeal Ref: APP/P1045/A/14/2227909

Toad Holes Barn, Hulland Ward, Ashbourne DE6 3FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr B Rough against the decision of Derbyshire Dales District Council.
 - The application Ref 14/00427/PDA was refused by notice dated 21 August 2014.
 - The development proposed is the change of use of an agricultural barn to a single dwelling including associated building operations.
-

Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. Statutory Instrument 2014 No.564 amends the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) to include new development classes under Schedule 2, Part 3. These include Class MB, which allows a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) together with building operations reasonably necessary to achieve the conversion. The GPDO sets out the circumstances under which development is not permitted at paragraph MB.1 and outlines a number of conditions or provisos at paragraph MB.2.
3. Paragraph MB.1(a) states that development is not permitted by Class MB where the site was not used solely for an agricultural use, as part of an established agricultural unit on 20 March 2013. Interested parties have made detailed submissions to support their strong opinion that the site does not meet this requirement, which is firmly contested by the appellant. The evidence before me clearly elucidates the stance taken by each of the relevant parties. Having very carefully considered the representations made and having particular regard to the stated position of the appellant, which to my mind is unequivocal, I have proceeded on the basis that the proposal is otherwise permitted development in the light of paragraph MB.1 of the GPDO.
4. Paragraph MB.2 of the GPDO requires the local planning authority (LPA) to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, and whether the location or siting of the building make it otherwise impractical or undesirable for the change of use,

and in relation to the design or external appearance of the building - taking into account any representations received. In doing so, the GPDO requires the LPA to have regard to the National Planning Policy Framework (the Framework) so far as is relevant to the subject matter of the prior approval as if the application were a planning application. My determination of this appeal is made in the same manner.

Main issue

5. The main issue in this case is whether or not the proposal satisfies the requirements of the GPDO with regard to being permitted development for the change of use from agriculture to a dwelling and the building operations that would be reasonably necessary for the conversion.

Reasons

6. This appeal relates to an existing 2-storey building of mainly stone construction that stands opposite an open fronted structure in an isolated location within the countryside. Access to the A517 from the site is along a single width rural lane that has some passing places although it has no separate footway and is unlit.
7. There are some limited services available in Hulland Ward, which is some distance away and is itself remote from larger centres of population such as Ashbourne, where a greater range of services and facilities are found. The closest stopping places for buses to the site are along the A517. From the timetables provided by an interested party, buses travel from these stops onwards to Derby, Ashbourne and Belper although services are infrequent on weekdays with no services during the evenings or on Sundays.
8. In those circumstances, it cannot be reasonably assumed that future occupiers of the new dwelling would regularly walk or cycle the considerable distance to any of these destinations. The proposal is not located where it could be conveniently accessed by public transport. For these reasons, I consider that the site is in an unsustainable location because future occupiers would be heavily reliant on the private car for most journeys. As such, the proposal conflicts with a core principle of the Framework, which is to ensure that patterns of growth are managed to make the fullest possible use of public transport, walking and cycling. □
9. The Framework advises LPAs to avoid allowing new isolated homes in the countryside, as would be the case here, unless there are special circumstances. Examples of such circumstances are contained within paragraph 55 of the Framework. Although the appellant would reside within the new dwelling and he frequently travels to the site to support the business operation, the proposal is not promulgated on the basis that it would meet an essential need for a rural worker to live permanently at or near their place of work in the countryside.
10. The appeal building is not a heritage asset nor would the scheme enable development to secure the future of such assets. While the proposal would reuse the building, which appears to be in good condition, there would be no enhancement to its immediate setting as a result. The design of the scheme cannot reasonably be described as being of exceptional quality or innovative in nature. Therefore, I am not persuaded that any of the special circumstances outlined in paragraph 55 of the Framework, or any others, apply in this case.

11. For all of these reasons, I consider that the proposal is unacceptable on the ground that it would be undesirable for the building to change from agricultural use to a dwelling because of its location. Accordingly, it does not meet condition MB.2 (1)(e) of the GPDO.
12. With regard to the design or external appearance of the building, new windows would be inserted into the front and rear elevations. The resultant symmetrical pattern of fenestration, with pairs of regular sized windows at both ground and first floors, would be suburban in style and overtly domestic in character. In my opinion, this arrangement would fail to retain the functional form and appearance of the existing building, with fewer openings and a considerable expanse of unbroken brickwork in the rear elevation, as one that still loosely resembles an agricultural building. It would change the external appearance of the appeal building to its detriment and so materially harm its setting and the rural character of the local area.
13. As such, the proposal would not adhere to the policies and principles of the Framework for new development to respect local character, add to the qualities of an area and to achieve a high standard of design. Accordingly, it fails to satisfy condition MB.2(2) of the GPDO.
14. Interested parties also raise serious concern regarding the traffic and highways impacts of the development. However, the Council's Highways Development Control Officer raises no objection subject to conditions with regard to the arrangements during the construction phase, parking provision and refuse collection. While I have considered the representations made, the additional traffic movements would be modest and, like the Council, I find the transport and highway impacts of the development to be acceptable. The provision of additional passing places along the rural lane leading to the site would not overcome the harm that I have identified.
15. Reference is made to recent decisions by other LPAs to give prior approval for the conversion of barns to dwellings in Uttoxeter and Darley Moor. In my experience, it is rare that direct parallels can be drawn between one site and another given that local circumstances often vary. In these cases, few details have been provided to explain the Council's reasons to grant prior approval. It is also unclear from the limited information provided to what extent the circumstances of each scheme are genuinely comparable with the proposal. Therefore, these cases do not weigh support of the appellant's case. In any event, each case should be assessed on its merits, as I have done.

Conclusion

16. For the reasons set out above, and having regard to all representations made including those in support of the proposal, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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