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8 June 2015

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **TUESDAY 16 JUNE 2015 at 6.00pm at the Elim Pentecostal Church, Waterside Business Park, Waterside Road, Ashbourne DE6 1DG.**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the **ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne** at **2.30pm prompt**. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Southern Area Planning Committee – 14 April 2015
Central & Northern Area Planning Committee – 15 April 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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| 4.1 APPLICATION NO. 14/00796/FUL (Site Visit) | 5 - 31 |
| Creation of jewellery design centre of excellence incorporating workshop educational and retail uses and associated car parking and landscaping at land north of Knockerdown Inn, Knockerdown, Carsington. | |
| 4.2 APPLICATION NO. 15/00181/FUL (Site Visit) | 32 - 44 |
| Change of use of land to traveller site with 4 No. family pitches at Watery Lane, Ashbourne. | |
| 4.3 APPLICATION NO. 15/00229/FUL (Site Visit) | 45 - 52 |
| Replacement dwelling at Culland View, Hoargate Lane, Hollington. | |
| 5. APPEALS PROGRESS REPORT | 53 |
| To note a report on appeals to the Planning Inspectorate. | |

NOTE

For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

Members of the Committee

Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman),

Jason Atkin, Richard Bright, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Thomas Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Andrew Statham.

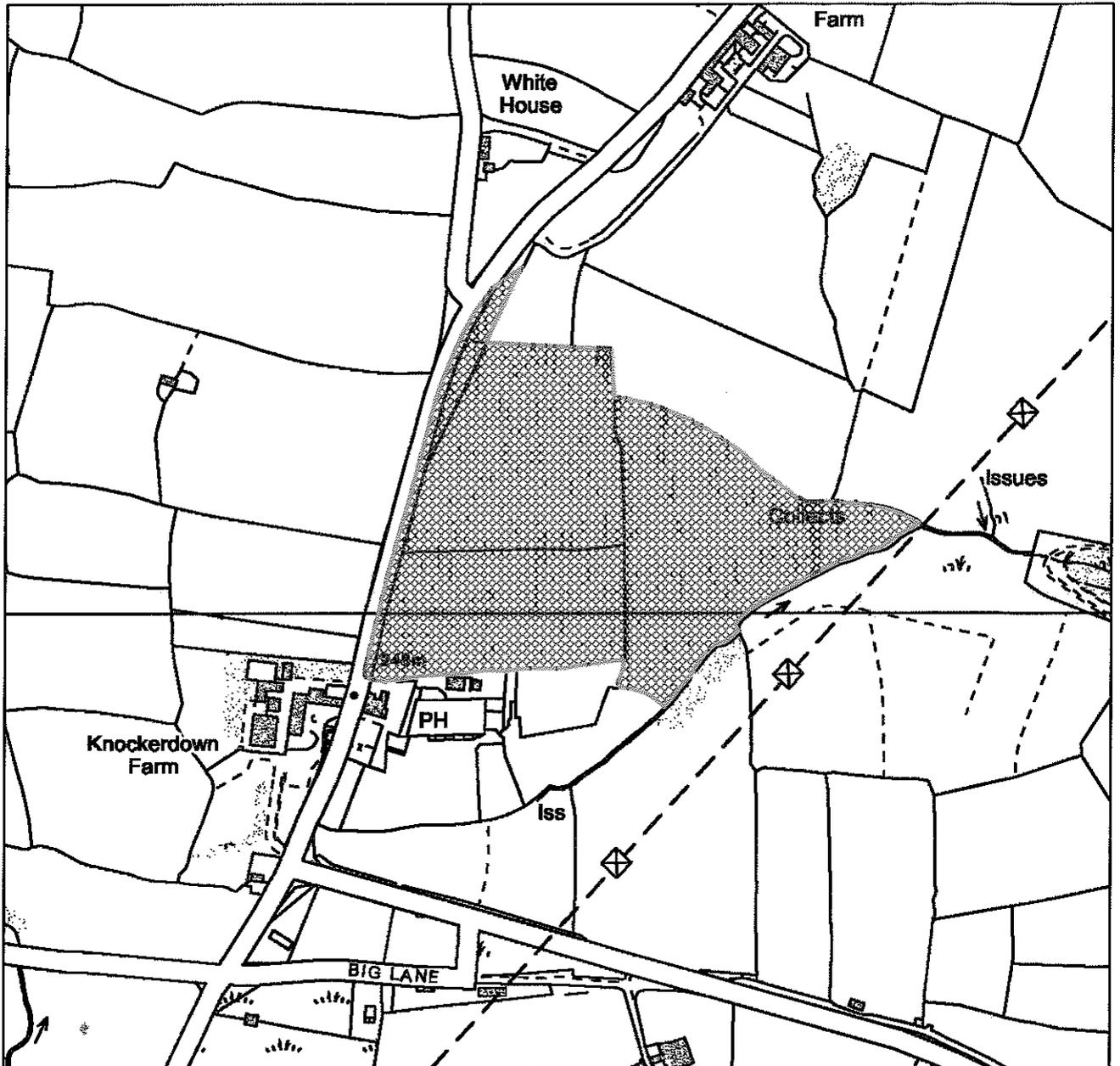
Substitute Members

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

7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

14/00796/FUL

Land North of Knockdown Inn



Derbyshire Dales DC

1:5,000

Date: 05/06/2015

100019785

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

**14/00796/FUL CREATION OF JEWELLERY DESIGN CENTRE OF EXCELLENCE
INCORPORATING WORKSHOP EDUCATIONAL AND RETAIL
USES AND ASSOCIATED CAR PARKING AND LANDSCAPING AT
LAND NORTH OF KNOCKERDOWN INN, KNOCKERDOWN,
CARSINGTON FOR MR C. SELLORS**

Parish Council: Carsington & Hopton
Application type: Full

Date of receipt: 17.11.14
Case Officer: Mr W. Shaw

THE SITE AND SURROUNDINGS:

The application site comprises predominantly of three fields used for agricultural grazing, 6.7 hectares in total area, located immediately to the east of the B5035 and to the north of the Knockerdown Inn. Also indicated within the site is a strip of land between the northern most field and the public highway over which access is taken into the field. This area is maintained to provide a visibility splay for the access to Kennel Meadow Farm to the north. Two of the fields bound the B5035 and these initially slope away relatively gently in an easterly direction. The gradient of the slope however increases as you move east so that by the time you reach the eastern boundary of these fields, 160m to the east along the line of their dividing hedge, the level has dropped approximately 15m. The eastern most field is essentially triangular in shape and has a steeper gradient than the other two fields. It stretches some 220m down in an easterly direction with a fall in land levels from the centre of the western boundary to the eastern apex of approximately 26m.

The upper fields are enclosed with hedgerows interspersed with individual hedgerow trees. Towards the eastern apex of the triangular field the boundary planting is more substantial, along the line of narrow streams and to the east of where the streams meet at the eastern tip of the site is a more substantial pocket of woodland. The land to the southeast and northeast of the triangular field rises with a substantial tree belt located outside the site to the southeast.

To the north of the site and south of the site beyond the Knockerdown Inn is agricultural grazing land. In the northwest of the site is the junction with the road to Brassington. To the west beyond the B5035 lies further grazing land whilst to the southwest is the Knockerdown Farm holiday complex. Carsington Reservoir lies a short distance to the east of the site and the site enjoys extensive views out across the reservoir and is visible from the paths around the reservoir and from higher ground to the east.

THE APPLICATION:

Planning permission is sought for the creation of a jewellery design centre of excellence. This facility is designed to incorporate workshop areas, educational and retail uses with associated car parking and landscaping.

The proposed building would have a striking modern design and would be located just to the east of the hedge line which runs north/south across the centre of the site and immediately to the northeast of the hedge line that separates the two field's bordering the B5035.

The building would have a basic footprint of 28.5m deep east to west and 30.3m wide north to south. A central projection in the eastern elevation extends out beyond this by 4.8m with a width of 8.9m. The building would be over two floors. Because of the falling

levels west to east pedestrian access from the parking areas to the west would be into the ground floor, with lifts and stairs then down to the lower ground level with access out onto a terraced area to the east of the building and to proposed footpaths beyond.

Accommodation on the ground floor would comprise of a central atrium containing an entrance/retail space of 140m² with stairwell and double height display space to the east. To the north of this will be a studio workshop of some 200sq.m. To the south of the atrium will be a gallery of some 217sq.m; with toilets and storage areas.

On the lower ground floor to the west of the stairs a 123m² exhibition space would be accommodated with a display space of 73m² to the east of the stairs. To the north of this central circulation space are workshops, whilst to the south is a 77m² café, staffroom and 65m² exhibition space. The western most 9m of the lower ground floor is cut into the hillside.

The building would on the eastern elevation have a maximum exposed height of about 10m at the central atrium with the wings to the north and south set around 7.0m out of the ground. The central atrium would have random coursed limestone walling exposed rising to a little above the wings. These walls would project out beyond and above a glazed wall to the central atrium, with a copper standing seam roof above.

The wings to either side would be faced in horizontal standing seam grey zinc cladding terminating in a parapet roof incorporating sedum elements in the northern portion.

The copper standing seam roof would extend out into an angled upturned projecting canopy above the eastern and western doorways. The western wall of the northern wing would extend up to the height of the central atrium walls and extend 7.5m to the north beyond the main building elevation. It would be faced in random coursed limestone walling. The western and eastern entrances incorporate full height glazing and the southern atrium wall extends out to the west creating a substantial feature screen wall tapering in height where it meets the building, which extends out approximately 22m reducing in height to some 2m.

The windows and doors within the proposed building will be coated aluminium and have a pattern which reflects a functional and contemporary appearance.

The foremost part of the eastern elevation proposed, as already mentioned, sits 10m out of the ground, but because of the falling nature of the ground west to east is on a raised platform which at its leading edge is over 2m above existing ground levels. The level of cut into the ground at the western end of the buildings is approximately 3.5m.

To the east and southeast of the building paved areas are to be created with a further paved entrance area immediately to the northwest of the western entrance.

A substantial car park of approximate dimensions 55m east to west by 70m north to south is to be created in the eastern half of the field to the southwest of the building. Access to this will be taken by vehicles along a driveway past the western end of the building with further pedestrian access links through to a walkway approach to the main entrance. A gap will consequently also have to be created in the existing field hedgerow which lies to the south of the screen wall. The car park is shown to be created with levels stepping down the hillside to take account of the falling levels west to east with planted swales between the levels.

It is also proposed to provide an overflow carpark of reinforced grass to the northwest of the building, on the opposite side of the access driveway.

The precise nature of landform changes to the southeast of the building, the sections show the land being raised by approximately 4m at the edge of the terrace with the landform being raised to the east also by between 2m and 3m for a distance of 70m to incorporate new landscaping and footpath routes.

Footpath routes are shown sweeping down to the eastern apex of the triangular field from the building and looping around the northern boundary further footpath links emerge onto the B5035, at the Knockerdown Inn and to bus stops.

The vehicle access into the site will be taken from the northwest, south of the previously proposed access. The route of the access then traverses the field diagonally before turning onto a north/south alignment parallel to the hedgerow but 20m to its west. Raised landforms and planting is used throughout the scheme to soften and screen the impact of roads and parking.

The application is accompanied by the following updated supporting documents: -

1. Planning and Sustainability Statement
2. Design and Access Statement
3. Phase 1 Habitat and Protected Fauna Survey
4. Flood Risk Assessment
5. Assessment of Alternative Sites
6. Landscape and Visual Impact Assessment
7. Transport Assessment
8. Framework Travel Plan
9. Community Consultation and Engagement Statement with Appendices
10. Applicants Vision Statement

These documents have been held on the public file and copies sent to the relevant consultees for them to consider in formulating responses. Their extensive contents is not summarised here with the exception of a brief summary of the applicants case. These contents do however feed into the assessment of "The Issues" later in this report.

In their updated Planning & Sustainability Statement to the scheme previously rejected the applicant's agents outline the changes that have been. These include: -

- The building will no longer house the company's offices. Instead, planning permission has been obtained to create office space above the company's shop in Ashbourne.
- The internal floor space has been re-organised such that its primary focus will design, craft, education, training and display.
- The proposed building and surrounding landscaping have been redesigned in order that they have more of a 'light touch' on the landscape. Changes include:
- The car park has been reduced in size from 125 spaces to 75 (additional capacity will be available in an overspill area consisting of reinforced grass).
- The lower delivery road and turning area have been completely removed (deliveries will instead go to the west side of the building).
- The terrace to the east of the building has been reduced in size.
- The 'boulevard' style walkway to the west of the building has been replaced with a mown grass path.

- The stone walls which enclose the main atrium of the building have been reduced in size, bringing the overall height and apparent scale of the building down.
- The projecting stone wall to the west of the building has been reduced in size.
- A new bus stop for the 110/111 services is proposed.
- A detailed travel plan has been prepared to facilitate sustainable travel practices amongst staff and visitors.
- Additional biodiversity enhancement measures have been incorporated.

The application is accompanied with a document profiling the applicants business, which was established in the Peak District. 'Design Inspiration' is stated to be part of the reasons for choosing this particular site at Carsington. They consider it to be the 'only place' which holds the opportunity for both desired growth and sustainability. Comparisons are made with other jewellery design centres within the British Isles and abroad and their aspirations for competing on an international level. They recognise the level of visitors that Carsington Water attracts per year and hope to benefit from this existing footfall. The site would provide an unrivalled venue in which to welcome suppliers from Europe and the rest of the world. It would provide a unique visitor experience, student education and a functioning modern-day jewellery workshop.

They advise that all their current head office/workshop staff live in and around the local area, making Carsington an accessible and convenient location.

Further supporting information has been received during the course of the applications consideration.

The following employment information has been provided over a projected timescale of 12-16 months from opening 21 skilled employment positions would be created and based at the premises. The number of staff that would transfer their place of work from King Street, Ashbourne would be 13. The company is committed to training and development of their employees and participate national and international schemes and initiatives such as work experience with schools, 'knowledge transfer' partnerships with UK universities, apprenticeship schemes. Not only would the site be a huge benefit for current and future staff but it would add to the local economy, with increased revenue to other businesses, services and attractions within the area from both trade and retail customers, and visitors. It is believed that the development, based on its low-impact and ecologically sound design will only add, and not detract, from the proposed location.

Finally, on examining the representations from parish councils and members of the public opposed to the development, the applicant's agent has submitted the following comments:-

- The overspill car park is not shown on the photomontages as it will only be used on a temporary basis. The permanent car park will be screened and broken up by the landscaping scheme, to successfully assimilate it into the landscape. It should be noted that views across the water are 'zoomed in' and will be more distant to the naked eye.
- The development has been designed to have the potential for solar PV panels and a ground source heat pump.
- The building is specifically designed to cater for the next generation of the family firm, with flexibility for its needs for many years. The use is 'sui generis' which hypothetically means a change of use would require planning permission.

- The scheme is designed to complement C W Sellor's town centre stores, not to compete with them. The company is currently expanding its town centre portfolio, as is evidenced by their new Ashbourne and Matlock stores.
- The omission of office space has resulted in the car park size being reduced.
- The development, as concluded in the submitted visual impact assessment, will not be visible from a wide area of viewpoints.
- With regard to night time illumination, the landscape architects have proposed pedestrian level lighting to minimise visual impact. The brightness of any internal or external lighting could also be controlled by way of a planning condition.

RELEVANT HISTORY:

13/00696/FUL Creation of jewellery design centre of excellence incorporating office, workshop, educational and retail uses and associated car parking and landscaping - Refused for the following reasons: -

1. The proposal to create a jewellery design centre on a greenfield site in an open countryside location remote from settlements and poorly served by public transport, is inherently unsustainable and would result in unwarranted encroachment into the countryside detrimental to its character and appearance. As such the proposal conflicts with Policies SF4, EDT15, EDT17 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005), Strategic Policy 1 and Development Management Policies 2 and 6 of the Pre-Submission Draft Derbyshire Dales Local Plan and guidance in the National Planning Policy Framework.
2. The site is of significant scale and lies within a location of known archaeological interest. The application is not accompanied by any survey information or analysis to allow an evaluation of the presence or absence of important archaeology. Without such an analysis the applicants have failed to demonstrate that the development will adequately safeguard archaeology. The absence of adequate survey and analysis in this context means that the development conflicts with Policy NBE24 of the Adopted Derbyshire Dales Local Plan, Development Management Policy 8 of the Pre-Submission Draft Derbyshire Dales Local Plan and Paragraph 128 of the National Planning Policy Framework.

WED/0291/0083 Construction of golf course. Conversion of farm buildings to club house and associated facilities – Refused – Golf course element granted on appeal – scheme not implemented.

CONSULTATIONS:

Carsington Parish Council

The applicants stated commitment to employment, education and wildlife management, along with the consultation with the local community, quality of the building design and the low density of the proposed development are seen positively by the Parish Council. However, the Parish Council objects to the application due to the development being proposed on green-field land and because the primary purpose of the development has no inherent connection to the countryside or the immediate area surrounding it.

The proposals as a whole, therefore, constitute an unwarranted encroachment into the open countryside. Whilst the design of the Jewellery Centre sets the building into the landscape Parish Council is concerned as to the additional detrimental impact upon the character and appearance of the open countryside that would be caused by the proposed car parking facilities. It is believed that due to the forward facing slope of the site, towards the reservoir, that vehicles will be highly visible from various viewpoints and footpaths in the area.

As such, the Parish Council deems that the detriment outweighs any positive attributes of the proposed scheme and suggests that the proposal would be better suited to be in or around a large settlement or on a brown-field site. It should also be sustainably accessible by a range of transport modes.

Hognaston Parish Council (consulted as adjoining parish)

As with the previous proposal the Parish Council considers that the application is fundamentally at odds with both national and local planning policies. Furthermore, the revised application adds no further acceptable and robust justification for its siting within open countryside. Development in this particular location is not vital to the continued success of the jewellery business already established in Ashbourne and associated documentation (in particular the traffic report) strongly suggests that the prime reason for choice of this location is the creation of a tourist attraction and which through its car reliance would be unsustainable. There remains therefore no justification for this proposed development in the open countryside. The applicant refers to the need to “inspire and enthuse” and makes reference to other sites which are not however in similar locations – i.e. Shetland Jewellery sited on Hellister Loch which is adjacent to a road frontage within a ribbon of existing village buildings and not in the open countryside; Jersey Pearl Jewellery appears also to be sited immediately fronting an existing road and not within open countryside.

The Parish Council request the following points are considered:-

1. Attempts to ensure compliance

In addressing refusal reason No. 1 the applicant has removed the ‘office’ content and amended the internal layout. The applicant has attempted to address “unwarranted encroachment” by design changes to minimise the buildings visual impact. Whilst these design changes are acknowledged illustrations totally exclude the visual effect of the large car park, which although reduced from 125 to 75 permanent spaces will still create an unwarranted visual encroachment to the special character of the countryside seen from Carsington Water. It is also misleading to claim to have reduced car parking when the 50 lost spaces will be sited on a temporary car park which could be extended at will as demand increases in response to the opportunities the large site area provides. The development will be visible from a wide arc of points on the opposite side of the water, and its raised position compared to STW Visitor Centre will mean that night-time illumination will be a significant encroachment on the landscape from locations over a wide area of the surrounding countryside.

Whilst acknowledging efforts made to better manage landscaping and promote wildlife protection, the Parish Council consider that this is of comparatively little value weighed against the effect on the environment of the creation of a prestige headquarters and linked facilities in the countryside.

The proposed drawings clearly show two new bus stop lay-bys intended to serve the development, however these are in close proximity to the existing Brassington junction,

and the new T junction, significantly affecting visibility which has been highlighted in the Bancroft Report 7.1.2, and may still be viewed as a hazard by the Derbyshire County Council public transport team. It should be noted that within the last eight months there have been two road fatalities within one mile of this point.

This presupposes the provision of regular bus services. Currently these run at circa 4 per day; they are under the control of public transport providers and are currently threatened by cutbacks. It is not believed that the applicant intends to make any financial contribution to support the service.

The Parish Council acknowledge that a full archaeological report has been provided in response to refusal no. 2.

2. Imprecision in the submitted Application.

Hognaston PC is very concerned at what appears to be obfuscation in the Planning Application.

- Item 18. *All Types of Development: Non-residential Floorspace* fails to specify defined areas for the internal use of the new building, instead merely specifying 1698 sq.m. as 'Other [use]' i.e. there is no reference to the uses clearly defined on the drawings for retail, light industrial, cafes, assembly and leisure etc. This is disingenuous – it must be supposed that there are clear plans as to the use of this building and therefore to fail to specify proportionate areas to be allocated suggests an attempt to obscure the precise nature of intended future use, or even to enable future changes to the uses within the building to be made without challenge.
- Item 19. *Employment* implies that this development would create 34 full-time equivalent jobs. However, as the applicant has acknowledged, the largest proportion of these will be jobs transferred from the existing premises in Ashbourne, with the addition of a relatively small number of support jobs (e.g. catering), and additional vehicle-mileage as these jobs are unlikely to be filled from the immediate local area.

3. Rural location of the site and sustainability.

The Bancroft Consulting report claims that existing staff already travel to work and the need to travel further distances to this site are minimised. However, the report clearly acknowledges that most staff and visitors will travel by car (unsurprising as the infrequency of the service on bus routes is unlikely to meet the needs of visitors).

An assessment of the likely visitor numbers concludes that the new development will attract c. 55,000 per annum and a favourable comparison drawn with similar tourist attractions; again, however, the parallels are inexact – Denby Pottery, for example (a ceramics factory is taken as an example), is sited on a busy trunk road with ease of access, a location arising from its industrial/extractive origins. The emphasis placed on traffic assessment clearly suggests the primacy of tourism as motivation for this application rather than 'design inspiration'.

The Bancroft report stresses the site's suitability for pedestrian access, claiming that the comprehensive network of footpaths can be easily linked to Carsington Water.

- 1.1.1. STWA will not permit a direct link to Carsington Water footpaths, as the applicant now acknowledges.

- 1.1.2. The claim that a link can be made via a footpath adjacent the Knockerdown PH is untenable. There is no footway between this public house and the Carsington Water bypass, nor along the bypass itself for 400 metres, neither would road/verge width allow the creation of one. Pedestrian safety would be a serious issue, particularly in the light of a fatality at this location in 2005 and a further serious injury in 2007. Both accidents have been ignored in the Bancroft report.
- 1.1.3. The applicant and traffic consultants claim that that in discussions with DCC Highways no objections to the development have been raised on Highway Issues, apart from concerns over the length of visibility splays. Hognaston PC would wish to challenge this observation as the location of the new T- junction is sited within the visibility splay created solely for clear vision of residents exiting Kennel Meadows Farm properties. The land comprising this splay was originally purchased by the developers of Kennel Meadows for this purpose and should therefore remain unhindered. In addition the proximity of the proposed bus laybys will create further visual hazards to all drivers using not only the new access but those to Brassington and Kennel Meadows already extant.

4. National Policy Planning Framework 2012.

The applicant refers prominently to NPPF 2012. However Hognaston PC would like it to be borne in mind that this also stresses that:

- a. 'Local planning authorities ... recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' (para 23).
- b. 'When considering edge of centre and out of centre proposals, preference [to] be given to accessible sites that are well connected to the town centre' (para 24).
- c. In relation to green belts to 'prevent urban sprawl by keeping land permanently open' (para 79) as one of the aims of these is to 'to assist in safeguarding the countryside from encroachment' (para 80). 'A local planning authority should regard the construction of new buildings as inappropriate in green belt' (para 89). Whilst this area is not designated as Green Belt para 115 states that 'Great weight should be given to conserving landscape and scenic beauty' and para 116 that 'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest'. Hognaston PC argues that this development in this location is not in the 'public interest'.

5. Wider Consultation.

The response schedule within The PDP report claims that there are no objections to the proposals from STWA now that the footpath link has been removed. Hognaston PC discussions with Severn Trent would suggest that as yet they have not received a consultation request from the Planning Authority but will in due course be submitting their views on the revised application documents.

Overall, therefore, Hognaston PC are

- concerned that the revisions made to the original application do not address the fundamental objection to the proposed development viz that it is inappropriate for the location proposed.

- supportive of the concept outlined if located on a site more appropriate for such a development.
- concerned that the imprecise nature of certain aspects of the Application render restriction of development to the stated intentions of the applicant difficult to ensure. Councillors in consequence decided by unanimous vote to object to this revised Application.

Brassington Parish Council (consulted as adjoining parish)

The Parish Council reiterate their strong objection to the application.

Local Highway Authority

Refer to their comments in respect to application 13/00696/FUL in which they raised no objections subject to conditions being imposed. One of these related to the recommended visibility splays to be 2.4 x 149m, based on current design guidance based on a 50mph speed limit on the B5035. However, as part of this application, the applicant has carried out speed readings which resulted in northbound traffic travelling at 32.01 mph and southbound traffic travelling at 44.15mph. These readings allow the recommended emerging visibility splays to be reduced to 2.4m x 121m to the north and 2.4m x 116m to the south. The Highway Authority carried out its own speed readings to check that these readings were accurate and they were within 1.5mph of the applicant's readings. Therefore, the Highway Authority can now accept the reduced level of emerging visibility.

Two bus stops are proposed on the B5035 in close vicinity to the application site. In discussions with the applicant the Highway Authority recommends the bus stops have designated lay-bys. However, the County Council's Public Transport Unit have recommended that the bus stops be within the carriageway, in line with nearby facilities. This is now preferred given their likely infrequent use and the application drawings should be amended, accordingly.

The proposed hard surface parking spaces has reduced from 116 to 70 spaces, but there is now an overflow car park which can easily accommodate 50 parking spaces. The design also includes for separate cycling parking, disabled spaces and coach drop-off and parking areas.

The internal changes in terms of usage are likely to lead to a reduction in traffic levels when compared to the previous application. The overall envisaged employment has dropped from 55 full time staff to 34. Whilst the application assumes some 55,000 visitors per year, perhaps fuelling local concern, this is not the total number of additional/new vehicles using the surrounding road network. Car sharing, public transport, walking, cycling etc will reduce trip levels. The Highway Authority envisages a large proportion of visitors will already be visiting the area (i.e. to Carsington Water).

The traffic and transport information has been considered and it should be understood that not every detail has to be concurred with. However, if the conclusion is sound the Highway Authority would not seek to have detail amended if it ultimately would vary the conclusion. There is no evidence base to suggest that the conclusion of the applicant's consultants, that there would not be a significant adverse effect on capacity or safety of the local road network, is incorrect. With regard to Paragraph 32 of the NPPF, there is no data to support a reason for refusal based on severe harm on the local highway network.

The Highway Authority therefore have no objections to the proposed development subject to conditions being included that deal with: -

- Construction site layout details
- New access design including visibility splays
- Wheel cleaning facilities during construction
- Provision of parking facilities provision of bus stops, and
- Scheme to prevent surface water discharge from the development onto the highway.

(Informatives are also provided for the applicant's attention).

Natural England

No response, however previously advised: -

In relation to statutory nature conservation sites raise no objection. The application is in close proximity to The Wall Land (SSSI) but will not damage or destroy the interest features for which the site has been notified.

In relation to protected species: -

Great Crested Newts – A survey has been undertaken and based on the results and information available the development would be unlikely to affect great crested newts so no objection is raised.

Bats – A survey has been undertaken and based on its results and information no objection is raised.

Species protected by domestic legislation and non-European legislation such as badgers, barn owls, breeding birds, water voles and white clawed crayfish have not been assessed for impact. However, the updated Habitat and Protected Species Report dated November 2014 addresses these and other species. The survey report concluded it would be unlikely that the development would adversely impact up to conservation interest and makes recommendations for habitat improvements and construction safeguards.

Derbyshire Wildlife Trust

We advise that the contents of the previous ecology report remain relevant and valid in addition to the further Habitat and protected Species Report that has been provided. We agree that the grassland that will be lost to the development is of low biodiversity value and, as such, we advise that the proposed development is unlikely to impact upon any grassland habitat of substantive nature conservation interest.

The badger sett is unlikely to be affected and impacts on the local badger population are likely to be minimal provided the mitigation measures set out in the November 2014 Ecology Report are implemented in full as a condition of any consent. As no tree removal is proposed we do not anticipate any impacts upon roosting bats.

The proposal has potential to deliver significant biodiversity benefits, particularly with regard to restoration/creation of the grassland habitats. A condition is advised to ensure the development is carried out in strict accordance with the submitted Ecology Strategy. A habitat management plan should be a condition and breeding

birds should be protected by preventing removal of trees, hedgerows and shrubs during the breeding season.

Environment Agency

Raise no objection in principle subject to a condition being imposed in respect to a landscape management plan to protect and enhance the ecological value of the site. A further condition is advised in respect to biodiversity enhancements and informatives are provided for the applicant's attention.

Development Control Archaeologist

In the context of the previous application the proposal site was considered to have archaeological potential because of a number of known prehistoric and Romano-British sites in the vicinity, including the site of a round barrow and other finds of worked flint and Roman pottery in the vicinity of Owslow Farm, some 400m to the north (Derbyshire Historic Environment Record 3202, 3203, 3213, 3220), and Neolithic, Bronze Age and Roman sites now beneath the reservoir (HER 3222, 7901, 7902 are closest to the proposal site, including the important Roman 'Carsington B' farmstead or villa). In addition, medieval ridge and furrow earthworks are visible to the west of the B5035 and may extend into part of the application site.

The applicant has provided an archaeological report including the results of a geophysical survey. The geophysical survey has not identified dense or incontrovertible archaeological remains, but has indicated a loose spread of possible archaeological features across the site. It is likely that some of these relate to recent agricultural practices (field drains etc) or to geological features; however some groups of features are suggestive of below-ground archaeological remains.

I advise that the revised application now meets the information requirements of NPPF para 128. I recommend that the archaeological interest in the site is addressed through a conditioned scheme of archaeological investigation and recording, in line with NPPF para 141. This will comprise archaeological strip-and-record of target areas where potential archaeological features are likely to be impacted by the development groundworks.

The following conditions should therefore be attached to any planning consent:

- "a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

Policy and Economic Development Manager

From an economic development perspective the proposal offers the potential for additional employment within the area, including some skilled employment opportunities. Up to 20 new full time equivalent jobs are involved which is important in a Derbyshire Dales context.

The centre location close to Carsington Water visitor attraction and on a route between market towns could increase the visitor offer and help deliver wider economic benefits. The inclusion of cycle parking complements on-going work to enhance the Peak District cycling offer.

It is also important to consider any potential impact on local businesses, particularly retailers in nearby towns. The applicant's assurances that the site will be operated by CW Sellors as an ancillary use to the main use as a jewellery workshop, visitor and educational facility should help prevent displacement of trade from nearby towns.

REPRESENTATIONS:

At the time of preparing this report 30 letters have been received objecting to the scheme the majority from members of the public who make the following points: -

1. A retail outlet should not be built on a green-field site, a brown-field location should be sought.
2. Ashbourne town needs retail trade, not to lose it to an out of town facility. If granted it would contribute to further decline of the nearby local market towns (Ashbourne Wirksworth and Matlock).
3. The development would seem eminently more suited to a town or on the edge of an existing settlement rather than in open countryside.
4. The development is primarily an industrial and training facility and it does not need to be located in prime countryside.
5. Its encroachment into the countryside outweighs any benefits that the business may generate. It will concentrate industrialisation of the countryside just outside the National Park.
6. It is an attempt to commercially exploit an area close to the 'honeypot' of Carsington Water.
7. It is unnecessary development, inappropriate for the proposed location and would destroy this beautiful green scenic beauty spot.
8. It will have high visual impact on an exposed hillside location.
9. This is an area of outstanding natural beauty that promotes wildlife and it should not be turned into a retail park.
10. The development will be damaging to flora and fauna.
11. The development has no relevance to the peaceful country attraction that has developed near this large body of (Carsington) water.

12. The proposed development is unsuitable for the site. This is not an industrial area; it is an area of special landscape value. The only attraction can be the relatively unspoiled rural scenery and yet this development would help to destroy the very character that attracts it (and attracts visitors in large numbers).
13. It will set a precedent for ribbon development along the north shore of Carsington Water, demonstrated by the four wind turbines at Carsington Pastures (and potentially more) or just a precedent for more of the same type of development in the area.
14. It will have virtually no benefit for businesses in the local villages, such as the struggling pubs. Additional local employment is irrelevant as people travel widely to their place of work.
15. Visitors come to the area to enjoy the natural environment and 'get away from it all'. There is footfall but they are mostly walkers enjoying the countryside, rural pursuits or water based activities.
16. The proposed dragonfly ponds, grassland for brown hare etc seem to be small scale artificial adjuncts designed to provide an impression of environmental focus with the aim of diverting attention from the real purposes of a site for offices, manufacturing facilities and retail outlet. No matter how much landscaping, flower meadows and owl boxes are added, a natural landscape will be gone.
17. The proposals are not in accordance with the local development plan and it has been described as a 'footloose development'.
18. It is contrary to the existing local plan and the national policy framework. It is an unsustainable location and has no tie to this site or the immediate area.
19. The proposed development does not benefit or connect with the immediate area
20. It will set a disturbing precedent. If granted it will be impossible to prevent / deny other similar developments claiming to require an inspirational 'setting', which could apply to many other design led ventures.
21. The long term sustainability of the site is questioned. If this is successful then it will inevitably outgrow the proposed building – what will happen then – further expansion or a vacant building?
22. Notwithstanding the developer's efforts to minimise the impact on the landscape, the building will be prominent and an out of character feature of the views from many vantage points.
23. The 'revised' building is still overbearing, ugly, out of scale and character in terms of its appearance with existing buildings in the vicinity.
24. The building is an angular and brutal design that makes no reference to vernacular architecture and does not sit well within the rolling landscape.
25. Much is made that it will be minimally visible, but if it is such a 'striking' design, then why hide it.
26. Vehicular traffic would be increased on an already busy road with a history of accidents, including fatalities. Further complications and volume usage is unwise and will lead to associated increased noise and pollution.
27. Development would adversely affect the safety of pedestrians, cyclists (the National Cycleway crosses the B5035), motor cyclists and other road users, with a high number of road junctions and entrances to agricultural land which have seen serious and fatal accidents.
28. Vehicular traffic including visitors, employees and delivery vehicles will have a serious effect on the narrow country lanes.
29. The location is not in walking distance as it is an alien and isolated environment for this type of development. Buses are very few so visitors would have to drive.
30. Roadside land at the proposed entrance to the site belongs to the Crown and not to either the land owner or C.W.Sellers and is there for the safety and visual benefit of

- residents and visitors to Kennel Meadow Farm. If altered to accommodate lay-bys for buses this would have a serious safety consequence.
31. The inappropriate location will impact on the access to the village of Brassington which is already congested
 32. The reduced car park is likely to prove barely sufficient for CWS employees and it seems inevitable that overspill car parking will need to be made more permanent for visitors etc. Bright coloured cars on the car park will have a significant and detrimental visual impact and contrast with the surrounding green of the landscape..
 33. Concern over the density being an over development of the site which will have an adverse impact on the character of the neighbourhood, the surrounding conservation areas and its wildlife and within this area of outstanding natural beauty.
 34. The fundamental reason for the Planning Committee refusing a previous application on the site has not changed despite the new submission reducing the size of the building, altering the position of the highway entrance and creating an area for habitat.
 35. There have been no consultations or written communications involving Brassington residents who will be the most affected, other than a meeting many months ago with the Parish Council. Consultations were carried out only in Carsington and latterly in Hognaston. The content of the presentation (at Hognaston) was far from adequate in terms of information presented.
 36. The inspirational setting of other UK based jewellery workshops appear to be far more domestic in scale than what is proposed. Conversely those on the Continent are larger in scale (this is a concern if the business is successful and needs to grow further) but most of these (Continental sites) are located in business / industrial park settings.
 37. Surely centuries of breath-taking craftsmanship demonstrates that a 'fine view' is not necessary for creativity and artistry.
 38. No demonstration of an investigation into alternative sites, particularly brown-field sites which would be more beneficial to the local environment, community and economy.
 39. It would be better to locate it within the Carsington Visitor Centre. There are plenty of empty premises on the Carsington Water development where this could be located.
 40. There is a concentration of more business / industrial development in the Longcliffe area which would be a less intrusive location with equally inspiring views of Carsington Water and the Peak District.
 41. Colehill quarry in Wirksworth would present a better location which would support the local community, economy and environment. This area hosts the National Stone Centre, and Eco-Centre and a number of business premises.
 42. The proposed development shows no visible effort to minimise its carbon footprint and sits like a 'copper clad aircraft carrier' on the side of the reservoir, visible from most of the water and much of the reservoirs circular route.

65 letters of support have been submitted which can be summarised as follows: -

Andrew Lewer MEP has expressed support for the project, which in addition to its clear local and its district wide benefits could also be said to have regional wide potential. I believe that significant efforts have been made to minimise the impact of the development upon the countryside, and the diversification of the visitor attraction it is adjacent to is also a factor in its favour.

The other letters of support, totalling 64 make the following points: -

1. CW Sellors are a local business employing local people with a good vision for the future which should be supported and their hard work rewarded by offering them the option to expand their already successful business.
2. A very successful business who do an excellent job. There is no-one better to establish a centre of excellence. They have an excellent reputation for over 36 years as a family business and support educational projects, provide work placements, live competition opportunities, donation of materials, promote young designers and jewellers of the future and are patrons of Goldsmith' Crafts Competition. The business contributes to the British economy and wider global market.
3. CW Sellors liberate the talent of local people, both young and old who would invariably be unable to find similar opportunities without moving away from home. The business specialises and is the only manufacturer in the UK cutting gems from raw material and the only company in the world who manufacture jet and blue john to high standards so workforce could not work for another business doing the same job.
4. Without C.W.Sellors investing in people, technology, materials, design and space we would not be able to access the wider reach and educate the next generation on this very special resource and without that change we would not facilitate the development of business and maintain a dying skill base so it is vital that local councils help facilitate local businesses to create opportunities, history and heritage.
5. A company committed to their workforce and creating a legacy for future generations, employees and consumers.
6. A family business that has invested in Derbyshire surroundings and as a result is regarded as a pinnacle in the local community. Sellors should be applauded for investing and expanding particularly in difficult trading times to help keep the industry alive and exciting with its Design Centre of Excellence.
7. The current workshops in Ashbourne employ a considerable number of local people and there is a need for Mr Sellors to expand.
8. Everything that Sellors create is done with great care, extremely high standards and outlets are presented which reflect the professionalism of the company. Can anyone doubt that this will not be carried onwards to create what will be a Centre of Excellence.
9. The project will provide a unique setting for the public to understand and appreciate the importance of gemstones in the local area and offer a unique teaching and learning environment for all ages.
10. Sellors enjoy a challenge and want to research local Blue John and other Derbyshire minerals to show visitors and customers the special feature of Derbyshire's Minerals.
11. Sellors have the foresight and courage to think outside the box and to have a vision which can only be of huge benefit to Derbyshire.
12. The company will continue to promote traditional craftsmanship associated with Jet and Blue John.
13. There has been a large decrease over the past decade in the supply of skilled craftsmen in this industry and it is so very important that we encourage and inspire our younger generations to work in jewellery manufacture before too many skills are lost and forgotten. We should aim to not only preserve but promote the tradition and heritage of the British jewellery manufacturing industry, which the Carsington project would offer.
14. The space allows creative workshops for people of all ages, educational programmes and lecture series all of which would be supported by the School of Jewellery through the University (Birmingham).

15. It will be a place for the schools to visit and learn more about the stones which are incorporated into jewellery.
16. The company is and has always been passionate and wholly committed to training and development of employees of all ages, types and levels and participates in many schemes, locally, nationally and internationally such as work experience schemes with various secondary schools, Knowledge Transfer partnerships with UK Universities, national and in-house apprenticeship schemes, as well as providing numerous training opportunities both in the UK and overseas.
17. It will create 25 jobs for local people, a large percentage of which will be apprentices, which this country needs.
18. It will keep and develop more high skilled jobs in the area
19. It is exciting in design and technology terms as it will give the in-house designers and crafts people the outlet to further develop their talents and show-case them to the rest of the UK and the global market place.
20. The development will serve to highlight the excellent tourism offering of the Derbyshire Dales and Peak District area and support local businesses.
21. The Centre will work in conjunction with the shops, complimenting and supporting them, not competing with them.
22. The jewellery and watch industry account for £5 billion of consumer spend and whilst this has not increased over the last 5 years it is expected to do so in the future.
23. The NPPF stresses the importance of supporting rural businesses and job creation and this should encompass a variety of different schemes providing they are worthwhile.
24. Trading centres would be unfeasible for their (Sellers) objectives as a visitor friendly location.
25. Recent changes to the permitted development rights allow farm buildings to be used for business use and although this scheme does not involve the conversion of traditional buildings, it is a scheme of development on agricultural land.
26. It is clearly an extremely sensitive design that is sympathetic to the surroundings and is put forward by a well-established and local business of high repute.
27. A sensitively designed building which has been carefully considered to provide a synergy between commerce and education within an area of natural beauty. The aesthetic design quality of the planned building is second to none and will be an asset to the area.
28. Design iterations of the building and an extensive attention to detail has been applied to blend an inspiring design into the natural environment of Carsington.
29. The low impact, ecologically sound design of the 'Design Centre of Excellence' will only add and not detract from the proposed location.
30. An imaginative and sensitive design which can be successfully integrated into the rural landscape.
31. Impressed with the sustainability and environmental aspects of the design of the proposed building which will minimise its impact on the surrounding environment.
32. A unique opportunity to boost the local economy and create a sustainable future for the company.
33. An entrepreneurial craft business for a very special craft niche which can be a huge success within the area.
34. The idea of providing a visitor centre where the business of jewellery can be seen from start to finish and a location next to Carsington Water is an imaginative and exciting project for the area.

35. The proposed development would enhance the facilities as the site is close to the Knockerdown Inn which has a camping and caravan site and there is additional leisure housing in the area and other caravan sites close by.
36. The development would not set a precedent, partly due to the particular location which is bounded to the one side by the Knockerdown Pub and residential development of the old farmhouse and buildings which previously served this land.
37. The rural economy needs a boost, this will give people pleasure and create jobs at the same time.
38. The Peak District and Derbyshire generates over 1.7 billion of visitor spend, welcomes over 35 million visitors per year and employs 27,000 FTE in tourism jobs. Proposals are welcomed which invest in the quality of the visitor experience and complement the existing tourism offer in the Peak District and Derbyshire. The proposal to add another top quality visitor experience is very fitting to the overall tourism of the area and support is given to the ethos of the proposals.
39. Derbyshire has a strong offer for tourists from the region the nation and from overseas. However it could be stronger and could have better retail attractions to offer.
40. It will make Casrington a much more dynamic attraction and add value to the whole area. Valuable in attracting guests to stay longer in the area.
41. There is good road access.
42. This is an extraordinary area of beauty and unless we invest in supporting appropriate business applications for the future there will not be a legacy for the local inhabitants in an area blighted with recession, farming land sales for housing and foot and mouth issues.
43. We (Sellers in Ashbourne) desperately need better design facilities to keep up with the demand and there is no room to grow in our current location. Carsington is already a busy place and this will support and compliment the facilities that are already there.
44. Staff well-being and satisfaction would be enhanced by enabling them to work in a more pleasant, spacious and purpose built environment.
45. It would boost local economy and employment by encouraging visitors to the area.
46. It is likely that people will also visit other local towns and businesses when visiting the new centre.
47. The Peak District and rural Derbyshire needs to strive to encourage tourism and maintain its position as one of the top destination spots in England.
48. It will promote the Peak District as one of the top tourist attractions in the UK
49. As the first National Park the area is rich in history and inspiration in many ways for all ages and walks of life who visit and return. The area is forward thinking in looking at new initiatives and being in the heart of the country is very accessible to transport routes. By comparison Mellors at Hathersage offers and meets a great visitor experience, this would be very complimentary reward.
50. A popular attraction for visitors with future spin-offs.
51. Severn Trent caused controversy when it built Carsington Water but what has happened has brought in over 1 million new visitors, created new jobs and interest in the area.
52. If we were sceptical about Carsington Reservoir, how wrong we were, just look at it now. Absolutely beautiful.
53. It will create sustainable jobs has the facility to provide the platform to develop new products and services, to be used to explore new markets, to diversify and have a significantly positive impact on local labour market.
54. It will be an asset to the UK's manufacturing industry.
55. A centre that combines a facility for contemporary jewellery production in specially designed workshops, flexible exhibition spaces, a retail element and a tea room for

visitors will be a unique offering in the region and be of benefit to jewellers, students and visitors alike.

56. The vision and ambition shown by the applicant is impressive and will enable the business to expand whilst remaining firmly rooted in Derbyshire.
57. The applicants have traded in Bakewell over 30 years, Ashbourne 27 years, Buxton 24 years, Chesterfield 21 years and Matlock 2 years. To promote the long term future of these town locations a central manufacturing base, fit for purpose, is needed.
58. The high street is not the right place for such a unique visitor attraction.
59. For the last 10 years a 'stand-alone' event has been held at Chatsworth, whilst some guests are there solely for the event, the majority are made up of those enjoying the Chatsworth attractions. If this development is allowed it would provide a unique facility in a wonderful area.
60. As the industry's largest trade association we fully support this application which will create new jobs, be a hub of excellence for jewellery and will benefit Carsington bringing wealth creation to the area.
61. The company are second to none in terms of their investment in people, technology, materials, design and space. Approval of this development will enable them to continue this investment, vital to Derbyshire.
62. As European gem and jewellery output takes a downturn and related commerce in the UK is struggling, there are benefits in creating a uniquely integrated craft-based enterprise.
63. The proposed site is ideally accessible to adequate numbers of visitors.
64. The Carsington project is a sophisticated blend of manufacturing and education with exhibition space to showcase talent and engage visitors. The sensitively designed building will provide a synergy between commerce and education within an area of natural beauty, and create a sustainable future for the company.
65. The project is an exciting concept which will encompass education, manufacturing, business and tourism development.
66. The centre will encourage a new generation of designers to acquire skills both traditional, and using the latest technologies, drawing visitors to the area and the encouraging of local business and job opportunities.
67. A well designed and well managed project such as this, in such a superb setting will contribute to the wider appreciation of our superb countryside.
68. The importance of the proposed development cannot be underestimated in terms of furthering the UK and international standing within the jewellery manufacturing and design community.
69. The development will enrich the cultural and creative landscape.
70. The project will provide endless learning opportunities for the children of local infant schools, to regularly use and be included in topics studied in school.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development In The Countryside
 - SF5: Design And Appearance of Development
 - SF7: Waste Management And Recycling
 - SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
 - EDT8: Design And Appearance Of new Industrial And Business Premises
 - EDT9: Provision For People With Disabilities In Schemes For Employment Purposes

EDT15: New Build Industrial And Business Development outside Of Settlement Frameworks
EDT17: Tourist Attractions
NBE2: Sites of National Importance For Nature Conservation
NBE3: Other Sites Of Importance For Nature Conservation
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
NBE24: Archaeological Sites And Heritage Features
NBE26: Landscape Design In Association With New Development
NBE27: Crime Prevention
S6: The Design And Appearance Of Shops And Commercial premises
TR1: Access Requirements And The Impact Of New Development
TR2: Travel Plans
TR3: Provision For Public Transport
TR8: Parking Requirements For New Development
L8: Development Around Carsington Reservoir

2. National Planning Policy Framework (2012)

Paragraphs 7, 12, 14, 17, 19, 24, 27, 28, 29, 30, 32, 34, 35, 56, 60, 63, 64, 96, 109, 113, 114, 118, 128, 132, 139, 214, 215, 216

3. National Planning Policy Guidance (2014)

ISSUES:

Before assessing the planning merits of this particular application it is important to set out the policy context, local and national, and the weight to be given to the different components of the development plan. Conformity or conflict with the policy context will then need to be weighed in the planning balance with other material considerations.

The development plan for the area remains the adopted Derbyshire Dales Local Plan whose policies were saved and continue in force beyond the original plan period. Paragraph 215 of the National Planning Policy Framework makes it clear that due weight should be given to relevant policies in existing plans according to the degree of consistency with the framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

This guidance has to be read in conjunction with paragraph 14 which sets out the presumption in favour of sustainable development and explains that for decision-taking means approving development that accords with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing it would significantly and demonstrably outweigh the benefits.

The key policies of the Council's Adopted Local Plan that apply to the consideration of this application are: SF4, SF5, EDT8, EDT15, EDT17, NBE4, NBE5, NBE8, NBE24 and TR1.

Policy SF4 sets out the criteria for development in the countryside. Whilst this policy is worded in a restrictive manner, somewhat at odds with the balancing exercise stressed in most paragraphs of the framework, the categories of development it allows accord with

those in the framework, such that in this context significant weight can be given to it. The policy allows for essential development relating to agriculture, sport and recreation, development that assists the growth of tourism, farm diversification, re-use of rural buildings and for other needs such as rural affordable housing which can only be met in a rural area. Protecting the countryside in this way from unwarranted development accords with the core planning principles set out in paragraph 17 of the National Planning Policy Framework, which includes promoting development in sustainable locations and recognising the intrinsic character and beauty of the countryside.

Policies SF5 and EDT8 seek to promote good design. Again, whilst there might be a slight difference in emphasis with the National Planning Policy Framework in how these policies are worded their overall aim is consistent with the National Planning Policy Framework and they carry significant weight.

Policy EDT15 of the local plan allows for some small-scale new industrial and business development in the countryside but in the preamble to this policy it is anticipated that this will occur largely in and around settlements. The policy statements within the National Planning Policy Framework are geared up to building a strong competitive economy. Chapter 3 deals with supporting a prosperous rural economy. It provides policy support for sustainable growth and expansion of businesses in rural areas through conversion and new build and stresses support for sustainable rural tourism, which respects the character of the countryside. This can include provision and expansion of tourist and visitor facilities in appropriate locations. On balance whilst policy EDT15 on the face of it does not fully accord with policies in the framework it is considered it should still be afforded some weight as the underlying aims of promoting sustainable patterns of development and protecting the countryside are consistent with the core principles espoused in paragraph 17.

Policy EDT17 of the local plan concerns tourist attractions. It allows for new facilities in appropriate cases but only allows development to occur where the design and appearance do not have an adverse impact on the locality, problems for neighbouring uses will not result and the site is accessible preferably by a variety of transport modes. As explained above, whilst the emphasis is slightly different to the National Planning Policy Framework the core principles of promoting sustainable development and protecting the countryside are consistent with policy EDT17 and as such it should be given weight in the planning balance.

Policies NBE4 and NBE5 are worded in a manner which is consistent with the balanced approach of the National Planning Policy Framework and are still considered to carry significant weight.

Policy NBE8 is worded in quite a restrictive manner such that permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. This is a demanding test for new development whose rigour is not fully reflected in the National Planning Policy Framework. Whilst recognising the intrinsic character and beauty of the countryside is a core principle of the National Planning Policy Framework it adopts a more balanced approach dependent on the degree of protection the landscape receives. On this basis the policy should be afforded some weight.

Policy NBE24 of the Local Plan seeks to protect sites of archaeological interest. Whilst its language is slightly different to that in paragraphs 128, 132 and 139 of the National

Planning Policy Framework the overall aim of identifying and weighing archaeology in the planning balance is consistent such that it retains weight in the planning assessment.

Policy TR1 of the local plan is considered consistent with policies in paragraph 32 of the National Planning Policy Framework and should be afforded significant weight.

In summary, this is not a situation where the development plan is considered absent, silent or relevant policies are out of date as they have a generally high degree of consistency with the framework and as such the adopted local plan remains the primary consideration in assessing this application.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise.

The NPPF constitutes guidance for local planning authorities and decision takers are required to have regard to it as a material consideration in determining planning applications. The weight to be afforded to the NPPF increases where a local plan is absent, silent on a topic or its policies out of date (paragraph 14).

In the context of this application the retail policies of the local plan were not saved and therefore paragraphs 24 to 27 of the National Planning Policy Framework which deal with the location of retailing and sequential testing are relevant to the consideration of the application.

The framework re-states in paragraph 11 the need to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. In this instance there are considerations which are not part of the development plan that come into play. The applicants have set great store by the potential for this business to contribute significantly to local employment directly and indirectly as an exemplar facility for manufacture and teaching combining with a new visitor attraction. This matter will be weighed in the balance along with the statements in the National Planning Policy Framework and local plan policy in reaching a balanced judgement at the end of this report.

Notwithstanding this exercise the key issues that emerge in assessing this application are the sustainability of the proposal, the impact of development on the character and appearance of the countryside, the design quality in context, the impact of development on ecological interests, highway safety and archaeology.

2. Sustainable Development

The purpose of the planning system is to contribute to the achievement of sustainable development and this is explicitly stated at paragraph 6 of the NPPF. Sustainable development in the context of the planning system comprises three specific dimensions :

***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

For the purposes of the NPPF, sustainable development is that which passes the tests in Paragraph 14. For decision taking, this means approving development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, it means granting planning 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 NPPF indicate development should be restricted.

One of the elements of sustainable development is that of location and the promotion of sustainable transport. Paragraphs 29 and 30 of the NPPF emphasise the importance of facilitating sustainable patterns of development where reasonable to do so, facilitating the use of sustainable modes of transport which offers genuine choice to people about how they travel. In a rural context, this can only realistically be achieved by siting the vast majority of major development within or adjacent to the larger settlements unless there is an overwhelming locational imperative that suggests otherwise. This maximises accessibility by a range of means and makes goods, services and employment readily accessible thereby minimising travel by the private car.

There are of course forms of development that require a location in the countryside, such as farm based activity, some forms of recreation, rural social housing, some tourism development and farm diversification which is directly linked to a resource. Where there is a locational imperative or benefit to a location outside of settlements this can make the location sustainable in its own right. However, in the absence of any locational imperative, the impact upon wider sustainability objectives must be taken into consideration.

The application represents a mixed development of manufacture, education, retail and café which would combine to create a new tourist destination. It will result in a new business headquarters in an attractive area of countryside near to existing visitor facilities at Carsington Water. In this location it is not difficult to envisage a highly successful operation that feeds off and contributes to tourism at this honeypot, indeed many businesses could make a very similar case given the popularity of Carsington Water which attracts almost a million visitors per annum. It is similarly understandable that such a prestigious facility would not want to locate within the midst of an existing industrial estate.

Notwithstanding these observations the facility that is proposed is essentially footloose; unlike agricultural development it has no direct link to a particular location and could reasonably be located within or on the edge of a town as one entity or in some disaggregated form. Unlike Carsington Water, there is no essential, operational justification which necessitates that this business requires an open countryside location. It is essentially a development proposal which seeks to exploit the attractiveness of the location and its proximity to Carsington Water. Inevitably, visitors to the facility and

employees for the most part will be car borne, as access by public transport is very restricted. Whilst some linked trips may be feasible no direct footpath link is proposed to Carsington Water. It is however considered that any potential for linked trips does not override the underlying unsustainable nature of this proposal. As such, it is considered that the proposal is in an inherently unsustainable location and as such, is contrary to the locational principles enshrined within the development plan and the NPPF.

Whilst the applicants are keen to suggest that the unique nature of this scheme will not create a precedent, the observations of consultees and objectors are pertinent in that approval of this scheme could make it difficult to resist other footloose development in the countryside that has no intrinsic need to be located there.

The unsustainable nature of what is proposed makes the development contrary to the aims of National Planning guidance, policies EDT17 and SF4 of the local plan.

3. The Impact of development on the Character and Appearance of the Countryside

The policies of the local plan and the thrust of national guidance seeks to protect the countryside from unwarranted encroachment and consequent harm to its character and appearance. Carsington Water when it was developed was a major development which offset some of the immediate harm to the character and appearance of the countryside with the longer term creation of an attractive environment and habitat for wildlife . The location and extent of the visitor attraction has been carefully controlled and restricted the incursion in the environment to a relatively small area on the eastern shore. The tranquil and highly attractive landscape surrounding the reservoir are a successful foil to this hub.

In this context the creation of a further visitor facility removed from the visitor centre itself will constitute a marked and unwarranted encroachment into this attractive piece of countryside. Whilst the building is set into the hillside and the amended design has helped in this regard, and roads and car parks will be landscaped, a development of this scale cannot be readily absorbed. It will be visible across the reservoir and from various locations on the circular footpath. The striking design with its limestone walls extending out from the building will also to some extent make this site visible in winter months across the fields and through the hedgerows. Whilst the overall sphere of visibility is again limited, the development will be a marked incursion into the environment intrinsically harmful to the character and appearance of this attractive pastoral landscape. It is the case that although the proposed access has been relocated to promote acceptable visibility splays, as confirmed by traffic surveys, it will necessitate removal and cutting back of substantial elements of roadside hedgerow. For several years until such roadside planting was re-established this would exacerbate the landscape impact. As such the development is contrary to policies SF4, NBE8, EDT15 and EDT17 of the adopted local plan, and the aims of National Planning Policy Guidance.

4. The Design Quality in Context

The design of the proposed jewellery design centre has previously been highlighted in public comment as inappropriate, sitting on the landscape rather than nestling into it and being of non-vernacular detailing and materials. However, the building design is not seeking to replicate vernacular detailing. The size of the footprint and height required clearly prevent it from having any meaningful design association with traditional buildings such as farmhouses or barns. To the contrary the design seeks to utilise some traditional local materials and combine these with more contemporary details to create a striking piece of architecture. The design attempts to sink this building into the landscape to conceal its mass. It is considered that in line with many design centres, museums and

galleries set in open environments it has an architectural quality of its own that transcends its landscape setting.

Whilst the building itself is considered to have significant architectural merit, adequately reflecting the applicants ambition of an exemplar facility the two screen walls which extend out from the building will still serve to highlight the development in this unspoilt countryside.

On balance, and acknowledging the revisions that have been made, it is considered that the quality of the architecture proposed is something that weighs in favour of this proposal, notwithstanding the concerns expressed about sustainability and encroachment.

5. Impact on Ecological Interests

The public comment on this resubmitted application has again raised concern over the affect it will have on flora and fauna.

However, Derbyshire Wildlife Trust on behalf of the Council have assessed the value of the site and the likely ecological, wildlife and ornithological impacts.

They have assessed the site overall as having limited ecological value such that its development for the proposed use will not destroy an important habitat. There is some rush pasture habitat which they suggest should be kept or recreated to serve ground nesting birds. Whilst hedgerow will be lost subject to this being replaced they are satisfied overall that the development can offer up biodiversity improvements and will not adversely affect protected species.

Natural England have also considered the details of the previous application and raised no objections in principle.

On balance on this issue, subject to conditions to deliver an appropriate landscaping scheme and habitat management, overall biodiversity could benefit in the long-term.

6. Impact on Highway Safety

The Parish Council and residents are concerned with regard to the potential for increased traffic, its nature and conflict with existing road users. This is understandable given the potential for traffic generation of a tourist facility such as this.

However, having considered the revised location of the site access and the requisite visibility splays that can be achieved, they do not object to the proposed development subject to appropriate conditions being imposed.

7. Impact on Archaeology

The Development Control Archaeologist has considered the summited report and is now satisfied that subject to an appropriate condition being imposed the previous concerns, based on the advice in the NPPF have been resolved. As there is now no conflict with local and national planning policy guidance, the previous reason for refusal relating to archaeological interest, has been fully addressed.

8. Benefits to be derived from the Proposal

The proposed jewellery design centre is to serve a successful and expanding business that makes a significant contribution to the local economy and has strong ties with local and national educational establishments.

The establishment of a prestigious new headquarters has the potential to create significant new high quality employment in a local context directly from expansion of the business and will serve to reinforce its educational and training offer. The café and tourism element to the business will also create jobs albeit likely to be lower skilled and waged.

Indirectly, as evident from the representations in support the establishment of a further tourist destination could increase the overall number and spend of tourist visitors to the benefit of the wider economy but this is difficult to quantify.

The potential for linked trips to Carsington Reservoir may also derive some benefit, but this has to be viewed with caution as there is no direct physical link between the two.

Overall, the development is considered to have the potential to deliver significant employment and tourism benefits which need to be weighed in the balance in assessing the merits of this scheme.

Conclusion

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The assessment of the policy situation in this report establishes that the majority of Local Plan policies retain considerable weight in assessing this application. None of those quoted are fundamentally at odds with the National Planning Policy Framework such that they can be disregarded.

The applicants have proposed an exemplar building of striking appearance and architectural quality which has the potential to increase employment and benefit tourism and education. These are all material planning considerations which weigh in the applications favour. However, there are fundamental planning objections to what is proposed. The scheme is not tied to this countryside location and should be located within or immediately adjoining a settlement where it can be sustainably accessed by a range of transport modes by visitors and employees alike. Without an underlying requirement to be sited in this open countryside locality the development is considered to constitute an unwarranted encroachment into the countryside intrinsically harmful to its character and appearance.

This revised application has delivered further design changes which serve to elevate the quality of architecture in the planning balance and the applicants have addressed previous concerns over archaeology. However, notwithstanding these improvements to the scheme, it remains that fundamentally it is the developments unsustainable nature, encroachment and harm to the character and appearance of the countryside which conflicts with the Development Plan and National Planning Guidance and outweighs the other material benefits identified.

OFFICER RECOMMENDATION:

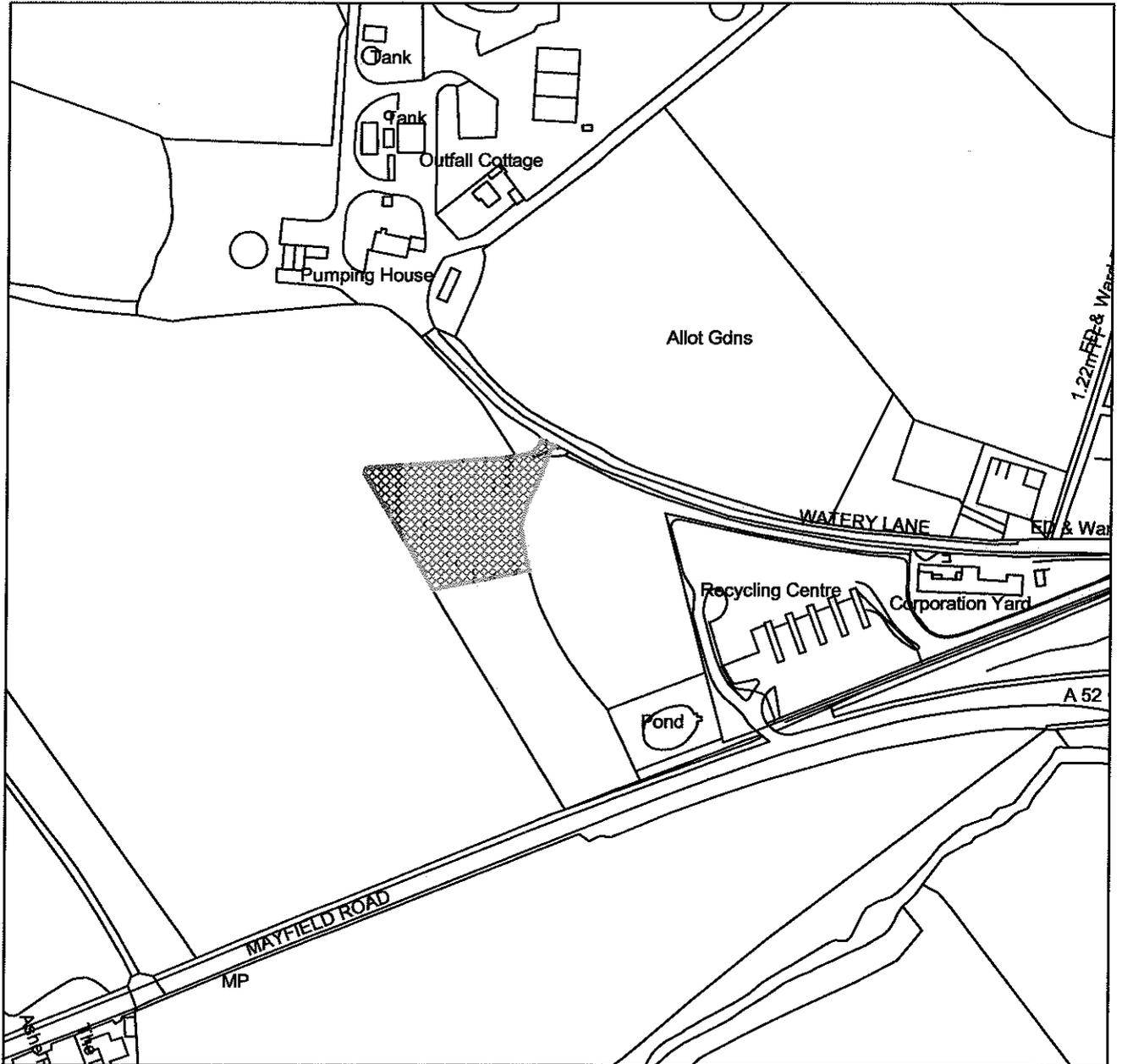
Planning permission to be refused for the following reason(s): -

1. The proposal to create a jewellery design centre on a greenfield site in an open countryside location remote from settlements and poorly served by public transport, is inherently unsustainable and would result in unwarranted encroachment into the countryside detrimental to its character and appearance. As such the proposal conflicts with Policies SF4, EDT15, EDT17 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance in the National Planning Policy Framework.

BACK TO AGENDA

15/00181/FUL

Watery Lane, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 05/06/2015

100019785

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Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website :www.derbyshiredales.gov.uk*

15/00181/FUL CHANGE OF USE OF LAND TO TRAVELLER SITE WITH 4NO FAMILY PITCHES AT WATERY LANE, ASHBOURNE FOR MS S SPENCER

Parish Council: Offcote & Underwood
Application type: FULL

Date of receipt: 20/01/2015
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application relates to an overgrown 0.2 hectare parcel of land, bordered by dense hedgerow, with occasional hedgerow trees, located off Watery Lane, on the western outskirts of Ashbourne. Access is to be from Watery Lane via a recessed gateway serving a large field that borders the sites' northern and western boundaries. To the southeast of the site is the existing recycling centre located, to the west of the A52 Mayfield Road roundabout, next to Ashbourne cemetery. The extensive Ashbourne allotments are across Watery Lane to the north/northeast and a sewage works is located nearby at the end of Watery Lane, to the north. A public footpath runs along Watery Lane.

THE APPLICATION:

Full planning permission is sought for change of use of the site to a traveller site with 4no family pitches. Access will be formed where the existing recessed field gate is located through a fenced gap in an existing hedge. A 5.5m wide short driveway will lead to 4no separate pitches where within each will be provided space for a mobile home, a touring caravan and parking spaces.

A supporting statement provides a description of the site and advises that any operational development such as amenity blocks would be subject to later applications. Tree cover is to be retained along the site boundaries and extensive additional landscaping is to be provided. The proposed access is stated to have good visibility and this will be the only access into the site. The statement under a 'Policy' heading advises that the Council has made no provision for travellers. The temporary permission recently granted at Homesford has not proved to be viable due to the short term and high development costs. To comply with National Policy, as set out in the Governments' Planning Policy for Traveller Sites (PPTS), the Council needs to have made provision for a five year supply, in accordance with an up-to-date assessment of need. In this regard the Council is not in a position to meet its obligations. The statement goes on to state that this site complies with the locational guidance set out in PPTS and complies with all the criteria set out in the relevant Local Plan Policy H15.

On learning of the initial comments from the Highway Authority and Derbyshire County Council's Group Manager (Estates) the further following comments were received. The access road is a highway with public rights along it and the parking requirement may be controlled by planning condition. The site does not adjoin the existing recycling facilities, as there is land in-between. Future plans of what 'might be' a route for a by-pass that is 'not decided' should not have an influence over a decision on which there is a present need, and has been for some years. The A515 proposed Ashbourne by-pass, like many road and by-pass schemes across the country has little chance of coming to fruition, and we doubt it would cut that close to Ashbourne, anyway.

The need for this family site was identified in the 2008 Gypsy Traveller Accommodation Needs Assessment: A legal requirement under S225 of the Housing Act 2004. The

updated assessment of need will still show a requirement of pitch numbers for Derbyshire Dales.

We were somewhat surprised at the response of Derbyshire County Council as we had a meeting on 19th January 2015 with DCC to discuss this case alongside a Councillor, a County Solicitor and the County Gypsy Liaison officer. We were encouraged by their response to get the application in as soon as possible as the need for the Gaskins is a well-known one within County.

To verify that this application is for one Gypsy family only, that consists of 5 people, there are no children of school age on site. We have applied for 4 pitches as follows: -

- Two elderly pensioners, one who is registered as blind (a pitch each).
- Pitch for Mrs Rene Gaskin and her disabled son.
- Pitch for Daniel Gaskin, Mrs Gaskin's son

There is ample room for parking on site as one pitch will not have a vehicle.

It is imperative that Mrs Gaskin's disabled son gets the support he needs at Ashbourne. Health and Welfare are material considerations in planning.

RELEVANT HISTORY:

County Application CD3/1004/127 – Household waste recycling centre and waste transfer station – facility granted to southeast – application site extends to cover current application site but with no approved development in this or adjoining field.

CONSULTATIONS:

Local Highway Authority

Initially, the Highway Authority referred to Watery Lane not being an adopted road, and, as such, the application on an 'as submitted' basis does not show any vehicular access rights to the site. Secondly, whilst the layout of the proposed homes themselves has not been included it is assumed that they will consist of 2+ bedrooms, given that they are referred to as family pitches. It is also noted that each plot is to have space to accommodate a touring caravan. Therefore, the Highway Authority recommends two parking spaces be provided for each plot for the parking of vehicles only (i.e. not further hardstanding space for additional tourers, caravans etc). A vehicle right of way by way of a revised red outline (application site boundary) is requested and a revised internal layout based on the Highway Authority's comments.

Subsequently, on being advised that the application did not need the red outline amending to show a right of access from the public highway, because the public have a right to pass and repass along this route the Highway Authority confirmed that they have no objections to the proposals. Also, as the site has sufficient space for 'overflow' parking, one designated space (per unit) will suffice (a condition is recommended to secure this and also for the driveway to be 5.5m wide).

Parish and Town Council Responses

No response from Offcote and Underwood Parish Council (any comments received will be reported at the Committee meeting).

Ashbourne Town Council

Object to the proposed development for the following reasons: -

- i. The site may be contaminated
- ii. It is too close to a recycling centre, cemetery and allotments
- iii. It is in a flood plain
- iv. It is a greenfield site, which has been designated as part of any future by-pass in the neighbourhood plan
- v. As one of the main routes into Ashbourne it will have a negative impact on the town
- vi. More suitable sites have been identified, the Local Authority have provided a site in Rowsley, thereby fulfilling their commitment.
- vii. If permission was to be granted clauses should be imposed that specify: -
 - a) The site is for one family only
 - b) Access to the site has to be clarified
 - c) Environmental Impact Assessment be carried out with regard to previous contamination, and
 - d) The maximum length of time be three years

Clifton Parish Council

Object to the proposed development for the following reasons:

- This is a green belt lane and it should be protected from inappropriate development. A Government Policy Document dated March 2012 states 'plan making and decision taking should protect green belt from such development as it is harmful and should be opposed.
- We do not feel the site is sustainable. The Government Policy Document says 'Local Authority should ensure that traveller sites are sustainable – economically, socially and environmentally' – no services are planned and there is no street lighting on Watery Lane.
- The proposed site is not an appropriate location near to the cemetery and allotments.
- No plans to manage or police the site are stated, uncontrollable numbers may occupy the site with consequential environmental issues.
- The site is on the route of the future by-pass.
- Who will own the site, the County Council or will it be leased to the Derbyshire Gypsy Liaison Committee? Grants are available.
- If the application is approved, will planning conditions specifically name the family who are to take up residence? What will happen should they leave the site in the future?
- The access and exit from Mayfield Road island is not good, bearing in mind the type of vehicles and trailers used by travellers.

Head of Environmental Health

Due to the location of the proposed site and possible previous uses, it is possible that there is some degree of land contamination. However, the Council has not identified the site as Contaminated Land and is not, therefore, on the District Council's Contaminated Land Register. Historical records indicate that the site was not a formal waste disposal site, although local knowledge suggests that there may have been some degree of informal tipping of inert material on the land.

Due to the proposed use of the site, it is not considered likely that any contaminants that may be present in the soil will be provided with a suitable pathway to the receptors on site. I would recommend, however, that the applicant conducts a desk top study of the site, to further clarify the nature of any potential contaminants that

may be present and confirm any measures that will be taken to prevent a pathway of contamination from soil to receptor. I would suggest that, providing there is hard-standing area provided for the siting of the caravans and parking areas for vehicles, a suitable hard-core, tarmac or concrete finish, would be sufficient.

I have considered other issues, such as noise and odour impact at the site, but don't consider these to offer any significant detriment to uses of the site or impact on nearby existing premises.

Head of Housing

The district does not have a temporary or permanent Gypsy and Travellers site. This makes it very difficult to accommodate current demand. If this site were to be approved it would satisfy an existing need.

Environment Agency

We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:

- a high risk to the environment
- those that are able to offer significant environmental benefit.

We have reviewed the above application and feel that, as presented, it does not fall under either of the above categories. We note that the proposed site, while being partially surrounded by flood zones 2 & 3, is situated within flood zone 1, and the proposed access from the site is also in flood zone 1. We also note that the application form mentions foul sewage will be disposed of by mains sewer. Therefore we have no comments to make on this application.

If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

Crime Prevention Design Officer (Derbyshire Constabulary)

The site security would benefit from a lockable height barrier at the entrance. By introducing this, it would prevent casual access by non-residents and ensure that caravans based on the site could not easily be removed. It is requested that such a barrier is made a condition, if permission is granted.

Derbyshire County Council (Director of Property)

The County Council wishes to make the following landowner and operational comments on the proposal: -

This is a key strategic location for waste management services, which needs to be retained by the County Council in order to provide capacity and flexibility to meet the challenging and rapidly changing requirements of the waste management industry.

Furthermore, with significant housing growth expected in Ashbourne over the next twenty years, the County Council may need to expand the recycling facility in the future. In view of this potential for expansion, the Council wishes to retain this site.

The site may also form part of a proposal for an A515 Ashbourne Bypass, although at this stage the exact route of the road has not been decided. It is considered prudent at this time for the County Council to retain the land to avoid the potential need for it

to be re-acquired using public funds or developer contributions at a later date should a business case be made for an alignment to the west of Ashbourne town centre.

REPRESENTATIONS:

At the time of report preparation 92 representations have been received from persons who are opposed to the proposed development.

Representations that are relevant to the proposed development may be summarised as follows: -

- Site is a green field and should not be developed for traveller site
- Ashbourne already has planning permission for 1000 homes overloading its infrastructure and services
- Site would have a negative impact on the approach to this Edwardian market town, which relies on tourism
- Site is close to the cemetery and travellers caravans would be disrespectful, being close by, and in view
- This is not a sustainable development and the town will gain nothing from this. This site has been identified as a site of natural beauty
- More suitable sites have been identified and should be explored
- Traffic impact will increase with no road improvements likely. The site is where a town bypass could be located
- The site is a flood plain and concrete hardstandings will impact on this
- The application has not been properly advertised
- Allotment holders may feel affected by the closeness of the traveller site
- A previous application for a travellers site nearby was strongly opposed and the same concerns remain
- Any increase in traffic on Watery Lane would create an unacceptable risk both to property and life
- What is there to stop additional family members going onto the site
- The proposed site is not stable, recently a large hole appeared in the field big enough to swallow a small car
- The site is not allocated as 'residential' in the local plan
- There are active badger setts in this area
- The plot is covered by several feet of tipped waste material under a cover of grass and weeds, it may be contaminated, and costly to put right
- The site is not appropriate for human occupation with the stench from the sewage works, the noise and smell from the recycling centre and the potential contamination of the land itself
- Government guidelines preclude traveller campsites from being positioned adjacent to refuse plant and industrial sites
- Should the application be allowed can the Council guarantee no hours restrictions will be placed upon the current activities at the recycling facilities
- If social housing has been offered but turned down the Council has no further obligation
- The development would devalue my house and this area is already looking a mess
- This is an unfair way of getting to live in a lovely part of the country. Our children cannot afford to buy houses around here and get offered no help
- If travellers wish to settle down then they should go through the same channels as everyone else

- Watery Lane is used by many walkers who may feel threatened and not use it anymore
- In the 1960's I believe a gypsy site was set up off Wyaston Road in Ashbourne. I am not sure whether this was legal or not but surely two sites in the same area is somewhat overpowering
- The site is on the path of the Royal Shrovetide game
- National Planning Policy 'Planning Policy For Travellers Site's' states, at Paragraph 4 that 'decision making and decision taking should protect green-belt from inappropriate development'. The Policy states that the Local Planning Authority has to have due regard to the protection of local amenity and local environment. The development would adversely impact upon the local amenity of the allotments and green field appearance of the local environment
- Traveller's sites, temporary or otherwise are inappropriate in the greenbelt according to the Governments Planning Policy for Travellers Sites.
- Government advice on travellers states that mixed use should not be permitted in a green-belt location such as this
- The application is contrary to Government Planning Policy for traveller's sites as the effective use of previously developed 'brown-field', untidy or derelict land has not been a consideration. Sites should be well planned to positively enhance the environment. Any landscaping scheme would have insufficient effect and take some years to provide effective screening.
- Hard landscaping that is needed for pitches and future facility blocks would be inappropriate development in this location
- Access to the site is inadequate, having heavy commercial traffic using it. Further commercial vehicles would create conflict with the existing traffic. Impact upon the public highway needs to be assessed
- This green-belt site would be visible to traffic travelling along Mayfield Road and visitors to the cemetery and allotments. It would be harmful to the character and appearance of the area, needing facilities such as toilets, shower blocks, storage building and a children's play area. These would be dominant and visually incongruous to the prevailing rural appearance of the area
- The site is adjacent to a flood plain. The extent of hardstanding would exacerbate the surface water run-off and impact on the adjacent flood plain
- The location will not enable visual and acoustic privacy at the proposed development, no ability to separate work/residential areas on the site, access for emergency vehicles would be extremely constrained
- The lack of toilet facilities raises the issue of how human waste is to be disposed of

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance of Development

SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment

H15: Accommodation For Gypsies

NBE8: Landscape Character

NBE12: Foul Sewage

NBE26: Landscape Design In Association With New Development

TR1: Access Requirements And The Impact Of new Development

TR8: Parking Requirements For new Development

National Planning Policy Framework (March 2012)

ISSUES:

1. Introduction

In order to provide a proper context for the consideration of this application it is important to identify the local and national factors that come into play.

National policy is set in the 'Planning Policy for Traveller Sites' which has to be read in conjunction with the National Planning Policy Framework. These documents highlight the need to secure a 5 year supply of sites for gypsy and travellers as with other housing provision.

Within the district there is not currently a permanent Traveller site and as such the Council are not able to demonstrate the requisite 5 year supply. To provide an assessment of needs across the county the County Council have coordinated a needs assessment. Whilst this assessment is yet to be finalised and published from the data collected and analysed and based on the district councils own knowledge of the requirements of the traveller community the Council accept that need within the district does exist. The proposed provision would help meet but not exceed the supply required.

As the Council cannot currently demonstrate a 5 year supply the Local Plan Policy H15 as a housing supply policy relating to gypsy and traveller sites only has limited weight in the determination of this application in accordance with guidance in Paragraph 49 and 14 of the National Planning Policy Framework.

In accordance with national guidance planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst Policy H15 of the development plan provides guidance on what factors come into play in assessing a traveller site application; it is more pertinent in this case to consider the thrust of national guidance in assessing the planning balance.

Much has been made of the concerns expressed by the County Council in relation to safeguarding the site for expansion of the recycling facility or the route of a new bypass. The frustration of other community planning objections could, in theory, be a basis for resisting a proposal. However, to give any significant weight to this issue the site would need to be safeguarded by virtue of a planning permission covering development of the actual site or be subject to a development plan allocation. Neither of these scenarios exist here and therefore the desire to resist development and safeguard the site for other uses in this context cannot be given significant weight as a material consideration in weighing the planning balance.

Having set the context it is logical to provide more detail on the content of policy before analysing the specific impacts of the development in light of public comment.

2. National Planning Policy

The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

The Government has set out their policy in respect of such matters in a document, published in March 2012 entitled, 'Planning Policy for Traveller Sites' which should be read in conjunction with the National Planning Policy Framework.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Government's 'Planning Policy for Traveller Sites' is a material consideration in planning decisions and local planning authorities must have regard to it, in addition to the policies in the National Planning Policy Framework so far as they are relevant.

Policy H of the 'Planning Policy for Traveller Sites' (Decision Taking), states that applications should be assessed and determined in accordance with the presumption in favour of sustainable development, the application of specific policies in the National Planning Policy Framework and the Government's Planning Policy for Traveller Sites.

In this regard, the following considerations are relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites;
- the availability (or lack) of alternative accommodation for the applicants;
- other personal circumstances of the appellant;
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- applications for sites from any travellers and not just those with local connections

Local Planning Authority's should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.

When considering applications, local planning authorities should attach weight to the following matters:

- effective use of previously developed (brownfield), untidy or derelict land;
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Without an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. (Temporary permission is not sought in this particular application).

3. Local Plan Policy

Policy H15 of the Adopted Derbyshire Dales Local Plan outlines the requirements for the consideration of planning applications for traveller sites. The policy requires sites to be close to the road network, with good access to and from it, and public transport; within reasonable travelling distance of local services and facilities; capable of being provided

with a reasonable level of services including water, electricity and sewage disposal; able to accommodate flat areas of hardstandings; is sufficiently distant from established residential areas to avoid harm arising to living conditions of others and does not cause harm to the character and appearance of the area. As highlighted above whilst this policy provides insight into how you might assess a site it has limited continued relevance in the context of a lack of a 5 year supply. Policy SF4 deals with 'Development in the Countryside' and advises that development that 'provides for other needs which can only be met in a rural area' will only be permitted, subject to impact and environmental safeguards.

4. Analysis of Scheme

The Council have a requirement to make provision for gypsy and traveller sites, a need that has not as yet been satisfactorily addressed. Identifying appropriate sites for the gypsy and traveller community can be problematic in rural areas, where suitable land within settlements is seldom available. This leads to the focus being on land either adjoining or near to settlements, as with this application site. Assessing the scheme against the criteria of National Planning Guidance, suggest that this site is an appropriate and sustainable location for the use proposed. Moreover, the site is being proposed by the Derbyshire Gypsy Liaison Group on behalf of one gypsy family who have a longstanding connection with the district and whom rely on local health facilities for the support a disabled family member requires. It has direct access from a surfaced lane and is close to public transport along Mayfield Road.

The public comment has raised a range of issues that are relevant to the consideration of the planning merits of the scheme and these are assessed as follows: -

Concern has been raised that the development will have an adverse impact on the gateway into Ashbourne. In relation to this the site is well screened by mature vegetation along its western boundary. Even in winter this vegetation will still provide some screening which may be enhanced by hard/soft landscaping within the site boundary, should this be considered necessary.

It has been suggested that the development should be rejected as the site is greenbelt. However, there is no designated 'green belt' land within the Derbyshire Dales District. The Adopted Local Plan (2005) refers to land beyond its defined Settlement Framework Boundaries as 'countryside', which Policy SF4 deals with. Policy SF4 criteria 'e' does not preclude development in the countryside that 'provides for other needs which can only be met in a rural area' such development is charged with being appropriate in nature and scale to a rural area; it should preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. It is considered that the proposed development satisfies these requirements.

It has been suggested that the development will have an adverse impact on the cemetery. However, this well-screened site will be over 150m from the cemetery. The recycling centre, Council depot and extensive allotments are all closer to the cemetery, than the proposed traveller site.

Concern has been expressed that traffic problems will be exacerbated. In relation to this the vehicles associated with the potential occupiers of the site are not considered to be significant, such that the Local Highway Authority do not object to the application. Watery Lane already caters for the various vehicles to the allotments, council depot, sewage

treatment works and, at the junction with Mayfield Road, the County Council recycling centre.

Concern has been raised that the site is located in the flood plain. The Environment Agency have advised that the site is partially surrounded by flood zones 2 and 3, and situated in flood zone 1. As such they are not objecting to the proposed development. They do not consider it to be a high risk to the environment nor will it offer significant environmental benefit.

Public comment also suggests that the site maybe contaminated. The Councils Head of Environmental health has considered the proposed development, and, whilst the land has not been identified as being contaminated recommends a study to clarify whether any potential contamination is present. It is also recommended that should contamination be identified measures be set out to prevent a pathway of contamination from soil to receptor. (It is the case that the site will need to be levelled to some extent before the proposed use may be introduced)

The Head of Environmental Health has also stated that any issues such as noise, odour etc from surrounding uses should not offer any significant detriment to site users or impact on existing nearby premises.

It has been suggested that alternative sites which make effective use of a 'brown field', untidy or derelict land have not been considered. The site is enclosed, unused and may historically have had some material deposited upon it.

Whilst the comments about utilising brownfield land are noted, this application has to be assessed on its merits and is considered a well located and sustainable location to meet the needs of this traveller family. It is not considered that development of this site as proposed would be contrary to government guidance which promotes sustainable development.

5. Conclusion

In summary, the proposal will serve to meet an identified need for this facility to serve the needs of the gypsy and traveller community. In assessing the planning balance of this site the Council should only consider the planning merits. Whilst the County may indeed have long term aspirations for alternative usage these are not firm planning proposals supported by either extant permissions for development or plan allocations and in the absence of any formal safeguarding for this usage, cannot as such be given any significant weight in the planning balance. Notwithstanding the level of public opposition, purely on its planning merits the site proposed is considered well related to the settlement of Ashbourne and a sustainable site for this usage. Residents would have ready access to the range of facilities in Ashbourne and any encroaching impact into the countryside is mitigated by existing screening. The site proposed will meet an identified need for a Traveller site and the characteristics of the site are such that the provision for this use accords with National Guidance. In the absence of any significant adverse planning arguments to the contrary the balance of consideration weighs heavily in favour of granting permission. .

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions: -

1. Time Limit On Full

2. Prior to any development commencing a study of the site shall be conducted to identify whether there are any potential contaminants present. Should contaminants be identified, based upon their nature, measures shall be proposed, for written agreement by the Local Planning Authority, that prevent a pathway of contamination from soil to receptor. The agreed measures shall be provided prior to the site being occupied or such other time as may be agreed in writing by the Local Planning Authority.
3. Prior to occupation the site shall be laid out in accordance with the submitted details, including a 5.5m wide driveway and one parking space being provided to each plot. These facilities shall thereafter be retained for use at all times for the duration of the approved development
4. Prior to the site being first occupied details of a lockable height barrier at the site entrance be submitted to and approved in writing by the Local Planning Authority. The approved barrier shall be installed prior to the last of the 4no family pitches being occupied.
5. Other than in respect to the site access no trees or hedgerow shall be removed from within the site boundaries. Details of a scheme of hard/soft landscaping proposals to provide effective year round screening for the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented to an agreed timetable with the Local Planning Authority and be thereafter retained at all times for the duration of the approved development.
6. Prior to development commencing details of the proposed measures to serve the approved development shall be submitted to an agreed in writing by the Local Planning Authority.
 - i. The proposed foul sewage provisions
 - ii. The means of water supply
 - iii. The means of electricity supply, and
 - iv. The measures for the storage and collection of refuse

The agreed measures shall have been implemented upon first occupation of the site and shall thereafter be retained for the duration of the approved development.

7. The site shall accommodate a maximum of 4no family pitches.
8. Before the site is first occupied and prior to any subsequent re-occupation by new resident's details of the proposed occupants in terms of their traveller credentials and local connections shall be submitted to the Local Planning Authority. The site shall not be occupied or re-occupied by any party without the Council first confirming in writing their eligibility to occupy the site.

Reason:

1. ST02a
2. To ensure that risks from potential land contamination to the future users of the site are appropriately addressed, in accordance with the aims of Policies SF4 and H15 of the Adopted Derbyshire Dales Local Plan (2005) and advice at Policy H of 'Planning Policy for Traveller Sites' (March 2012).

3. To ensure satisfactory access and parking facilities are provided in the interests of highway safety in accordance with the aims of Policy TR1 and h15 of the Adopted Derbyshire Dales Local Plan (2005).
4. To prevent casual access by non-residents and ensure that caravans based on site cannot easily be removed, in the interests of site security and the general aims of Policy H15 of the Adopted Derbyshire Dales Local Plan (2005).
5. to ensure and maintain an appropriate standard of landscaping, in the interest of amenity, in accordance with the aims of Policies NBe8, NBE26 and H15 of the Adopted Derbyshire Dales Local Plan (2005).
6. For the avoidance of doubt and to ensure satisfactory service provisions at the site, in accordance with the aims of Policy h15 of the Adopted Derbyshire Dales Local Plan (2005).
7. For the avoidance of doubt and to ensure satisfactory space is available to occupiers of the site in accordance with the aims of Policy H15 of the Adopted Derbyshire Dales Local Plan (2005).
8. To exercise control over occupation of the site as the site is being provided to meet the specific needs of the traveller community associated with Derbyshire Dales. Such provision is being made as an exception to other policies which strictly control and restrict residential development in open countryside.

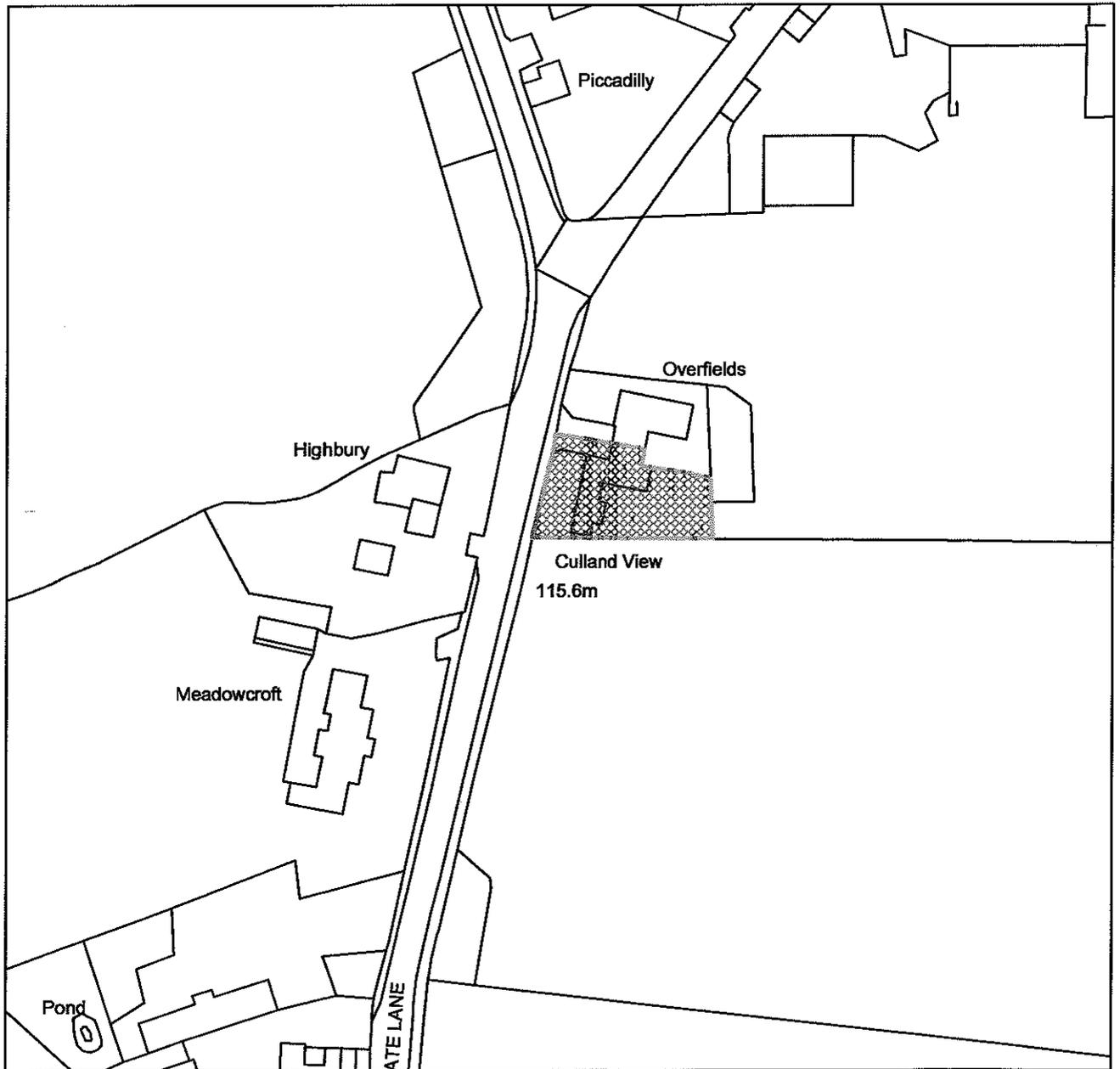
Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. This permission relates to the following documents:
 - Supporting statement by A R Yarwood Dip TP, MRTPI dated January 2015
 - 1:1250 Scale red edged site location plan; received 4th March 2015
 - 1:500 Scale site layout plan, received 11th March 2015

BACK TO AGENDA

15/00229/FUL

Culland View, Hoargate Lane, Hollington



Derbyshire Dales DC

1:1,250

Date: 05/06/2015

100019785

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

15/00229/FUL REPLACEMENT DWELLING AT CULLAND VIEW, HOARGATE LANE, HOLLINGTON FOR MR. J. DEAN

Parish Council: Hollington
Application type: Full

Date of receipt: 31.03.2015
Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:

The application concerns one of a pair of 1960s built bungalows, located off Hoargate Lane at the southern end of Hollington Village. The bungalow is positioned to the south of the bungalow adjacent (Overfields) and has been vacant for some time. It sits opposite Highbury House, a large detached dwellinghouse which is faced in render. Connecting the two bungalows are a pair garages with flat roofs. The application property sits forward of the bungalow adjacent and is orientated so that its length runs parallel with Hoargate Lane. The bungalow is constructed in red brick and has projecting eaves and a feature chimney breast and stack facing the lane which is constructed in blue brick.

THE APPLICATION:

Full planning permission is sought to demolish the majority of the existing bungalow and garage and to erect a two storey dwelling using a large proportion of the existing footprint. The dwelling will have a square plan form, encompassing the existing bungalow, single storey extension at the rear and an area of land to the side. The resultant dwellinghouse will comprise a simple linear house with subservient single and two storey twin gable projections at the rear. It will sit 2.7m to the south of the adjacent bungalow. The eaves height of the principal building will sit 2m above the eaves level of the existing bungalow and to ridge the dwellinghouse will be 2.7m higher. The two storey gable projections at the rear will be subservient in height.

The main building will be simple in form and detail and following amendments to the design will have a chimney stack offset to one side. The principal (roadside facing) elevation will contain a bay window and canopy above the main entrance door. To the side a lean-to is shown and dormer gables in both side elevations, to accommodate a reduction in the eaves and ridge height of the two storey gables at the rear. The rear elevation will contain a number of Juliet balconies and a large bi-fold door opening.

On land forward of the principal elevation a detached double garage with dual pitched roof is proposed. A new access to Hoargate Lane and turning and parking area in front of the replacement dwelling is proposed.

The replacement dwelling and garage will be faced in white painted render and the roofs of both buildings in plain clay tiles. Two air source heat pumps are shown fixed to the north facing elevation.

RELEVANT HISTORY:

ASR/766/19	To erect 2 new bungalows	Granted
ASR/762/14	House or bungalow	Granted

CONSULTATIONS:

Local Highway Authority:
No objections subject to conditions.

Parish Council:
No objections.

REPRESENTATIONS:

Four letters of representation have been received, one in support and three objecting to the proposed development. In support of the application a member of the public agrees with the Design and Access Statement and supports the replacement of the dilapidated 1960s building with a higher quality new build.

Letters of objection have been received from immediate neighbours including the occupants of Overfields, Highbury House and Meadowcroft to the south. In objecting to the proposed development the following concerns are raised:

- Loss of light and overshadowing
- Loss of privacy
- Noise disturbance from the air source heat pumps
- Impact on the streetscene / character and appearance of this part of Hoargate Lane
- Impact of the new access on highway safety
- Overbearing impact of the development
- Construction materials not in-keeping with the majority of buildings in Hollington

POLICIES:

Adopted Derbyshire Dales Local Plan (2005):

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- H4: Housing Development outside Settlement Framework Boundaries
- H6: Replacement Dwellings in the Countryside
- H9: Design and Appearance of New Housing
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE26: Landscape Design in Association with New Development
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development
- CS5: Renewable Energy Installation

Other:

- The National Planning Policy Framework (2012)
- National Planning Practice Guide (2014)

ISSUES:

1. As the saved policies of the existing local plan are generally consistent with the guidance in the NPPF the adopted plan policies remain the primary basis for assessing this scheme.
2. Replacement dwellings in the countryside are dealt with under Policy H6 of the Adopted Derbyshire Dales Local Plan (2005). The policy advises that outside of settlement framework boundaries (defined on the proposals maps) planning permission will be granted for replacement dwellings provided that:
 - (i) the number of dwelling units is not increased and;
 - (ii) renovation and / or repair of the original building is not a more satisfactory alternative and;

(iii) the replacement dwelling and ancillary buildings do not have a detrimental impact upon the character and appearance of its surroundings.

3. Taking the above into consideration, the key issues for consideration in respect of this application are:

- a) whether the replacement dwelling is a more satisfactory alternative to renovation and / or repair of the original building in this case, and whether its design and appearance is acceptable in terms of its impact on the character and appearance of this part of the countryside, and;
- b) the affect the development will have on the amenity of the occupants of nearby residential properties, in particular the bungalow adjacent and house opposite.

Despite the concerns of a nearby resident, the Local Highway Authority are satisfied that the modified access, parking and turning arrangements would not be detrimental to highway safety. The access is to be centrally positioned within the plot and exit visibility sightlines can be maximised across the site frontage by controlling the height of any front boundary treatment. Currently exit visibility from the existing site access is restricted by a wall.

Whether the replacement dwelling is a more satisfactory alternative to renovation and / or repair of the existing bungalow and its impact on the character and appearance of this part of the countryside

4. Bungalows are a non-traditional building type within the countryside. Although the application property has an affinity with the bungalow adjacent, it is one of a pair of dwellings situated off a rural lane to the south of Hollington. Based on the orientation and position of the application property relative to the adjacent bungalow, it is not considered that it is a built form that needs to be followed. The existing bungalow is in a poor state of repair and is not a building style that is typical of the area. Its replacement with a dwelling that is more in tune with its surroundings / local vernacular character is not therefore considered to be unacceptable in principle.

5. Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) deal with matters of design. Policy SF5 advises that planning permission will only be granted for development where... (a) the scale, density, massing, height, layout, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. Policy H9 requires new housing development to be in scale and character with its surroundings and have regard to distinctive landscape features amongst other considerations. The National Planning Policy Framework is a material planning consideration in development management decisions and states in respect of design that development should add to the overall quality of the area and respond to local character and history, and reflect the identity of local surroundings. It is recognised that good design is a key aspect of sustainable development and should contribute positively to making places better for people. The proposed dwellinghouse is reminiscent of a simple rendered farm workers cottage. The principal building has a simple plan form. The gable width of the original bungalow has been reduced to further reflect this traditional built form. At the rear are a series of gable projections, which are subservient in height.

Although large in terms of its overall footprint the proposed dwelling would fit within the plot, without appearing too large / cramped. Opposite and to the south of the site and to the south of the site are a number of large, two storey detached dwellings. The proposed garage, in its amended form, would be modest in height and scale and would be offset to one side. It would not harm the appearance of the replacement dwellinghouse or character and appearance of this part of Hoargate Lane. Concerns have been expressed that the building would not be constructed in materials that are in-keeping with the majority of buildings in Hollington. The applicant proposes to make use of some of the existing bungalows structure and proposes to face the exterior walls in render and the roof in plain clay tiles. There are a number of rendered properties off Hoargate Lane, including Highbury House opposite. The use of render is not therefore considered to be inappropriate nor is the use of plain clay tiles, a prevailing roofing material. In summary it is considered that the siting, form, design and appearance of the replacement dwelling and garage is a more satisfactory alternative to renovation and / or repair of the existing bungalow in this case.

Impact on the amenity of the occupants of nearby residential properties

6. A number of nearby residents have raised concerns regarding the impact of the development on their residential amenity. The replacement dwelling will be a much higher building, however, its position relative to Overfields to the north is such that it would not have a significant overshadowing or overbearing impact. The resultant building will project not further to the east than the existing single storey outshot and the two storey twin gables will terminate 1.8m in from this. The building will not extend as far out as the feature window in the gable end of the adjacent bungalow, which faces the application site. Only a minor loss of direct sunlight in the evenings would result. Whilst concerns of privacy have been raised, only two first floor windows are shown in the north facing elevation. Their position at the western end of the building is such that there would be not direct overlooking / significant loss of privacy. Windows in the rear wall have been positioned at the southern end of the proposed building to maintain privacy between the dwellings. The distance between the proposed dwelling and the house opposite (Highbury House) is such that there would be no significant overshadowing / overbearing impact or resultant loss of privacy. Noise from the air source heat pumps has been raised as a concern by immediate neighbours. To prevent any disturbance it is recommended that the type of pumps and any acoustic housing be submitted to and approved in writing by the Local Planning Authority.

Summary

7. Policies contained within the current Adopted Derbyshire Dales Local Plan do not rule out a replacement dwelling of a larger scale; but it is essential to assess how this will sit on the site, be appreciated in context and affect the character and appearance of the countryside / local sense of place. It is considered that the replacement dwelling, as amended, would be more in tune with its surroundings and a more satisfactory alternative to renovating and/or repairing the existing dwellinghouse in this case and would not have a significant impact on the amenity or privacy of the occupants of the adjacent bungalow or dwelling opposite. On this basis it is recommended that the application be approved, subject to conditions.

OFFICER RECOMMENDATION:

Planning permission be granted subject to following conditions:

1. ST02a: Time Limit On Full.
2. This permission relates to the original application documentation except as amended by the revised plans received by the Local Planning Authority on the 4th June 2015 numbered FCD-04 – 08.
3. Prior to the commencement of development details of the render finish and colour to the exterior walls of the replacement dwelling and garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The render shall thereafter be applied to the exterior walls prior to first occupation of the replacement dwelling.
4. Prior to the commencement of development, a sample roofing tile shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
5. All verges shall be given a plain mortared finish without the use of bargeboards and all rainwater goods shall be finished black and fixed directly to the wall by means of rise and fall brackets without the use of fascia boards.
6. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the replacement dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.
7. Prior to the commencement of development, details of the materials, treatment and/or colour of the window and door frames shall be submitted to and approved in writing by the Local Planning Authority. The window and door frames shall then be installed in accordance with the approved details and so retained.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to the replacement dwelling hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.
9. Prior to the commencement of development details of the air source heat pump(s) and any housing shall be submitted to and approved in writing by the Local Planning Authority. The air source heat pump(s) shall thereafter be installed in accordance with the approved details.
10. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority and maintained free from impediment throughout the duration of construction works.

11. Before any other operations are commenced a new vehicular access shall be created to Hoargate Lane in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.
12. The premises, the subject of the application, shall not be occupied until the on-site parking and turning spaces have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.
13. The access shall not be gated within 5m of the highway limits and where fitted, shall open into the site only unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

1. ST02a.
2. For the avoidance of doubt.
- 3-7. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF5, H6 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
8. To safeguard the privacy and amenity of occupiers of neighbouring properties and preserve the character and appearance of the replacement dwelling in accordance with the aims of Policies SF4, SF5 and H6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
9. To safeguard the privacy and amenity of occupiers of neighbouring properties in accordance with the aims of Policies SF4, SF5, H6 and CS5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
- 10-13. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the design / appearance of the replacement dwelling.
2. NFA20 Conditions Precedent... Conditions 3, 4, 7, 9 and 10.
3. NFA21 Conditions Fee Discharge.

4. The applicant is encouraged to use any reclaimable materials used in the construction of the buildings to be demolished to be re-used, where appropriate, in the construction of the replacement dwelling hereby approved.
5. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538986).
6. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.
7. The applicant is advised to use a solid bound material for driveways and parking spaces for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footpath in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.
8. Construction works may require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.

This Decision Notice relates to the following documents:

- 1:1250 Scale Site Location Plan;
- 1:200 Scale Proposed Block Plan numbered FCD-09;
- Design and Access Statement, and;
- 1:100 Scale Existing Floor Layout and Elevations Plans numbered FCD-01 – 03 received by the District Council on the 31st March 2015, and;
- Amended 1:100 Scale Proposed Dwelling and Garage Floor Layout and Elevations Plans numbered FCD-04 – 08 received by the Local Planning Authority on the 4th June 2015.

BACK TO AGENDA

NOT CONFIDENTIAL - For public release

SOUTHERN AREA PLANNING COMMITTEE – 16 JUNE 2015

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
13/00818/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
14/00664/PDA	Kingsgrove Farm, Brailsford	WR	Appeal being processed
14/00801/FUL	Keepers Field, Bullhill Labne, Ireton Wood	WR	Appeal being processed
ENF/14/00082	Keepers Field, Bullhill Labne, Ireton Wood	WR	Appeal being processed
14/00641/FUL	Parkfield Byre, Offcote, Kniveton	WR	Appeal being processed
15/00009/VCOND	Home Farm, Main Street, Hopton	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.

BACK TO AGENDA