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03 August 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 11 August 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, cursive flourish.

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 **3.15pm 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

Planning Committee – 22 July 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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Change of use and alterations to cattle shed to form wedding venue for a temporary period of three years at The Burrows Gardens, Burrows Lane, Brailsford.	
4.3 APPLICATION NO. 15/00043/OUT (Site Visit)	33 – 48
Residential development (outline) at Main Road, Brailsford.	
4.4 APPLICATION NO. 15/00397/FUL	49 – 56
Extension to hatchery building at Moypark Hatchery, Cockshead Lane, Snelston.	
5 APPEALS PROGRESS REPORT	57 – 70
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, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Andrew Statham, Jo Wild.

Substitute Members

Deborah Botham, Jennifer Bower, Richard Bright, 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.

SITE VISITS

Members will leave the Ashbourne Elim Pentecostal Church at 3.15pm prompt for the following site visits:

**3.25pm Application No. 15/00325/FUL
ROSE COTTAGE, SNAPES LANE, SNELSTON**

Requested by the Ward Member to enable members of the Planning Committee to appreciate the context of the site and assess the impact of the development on the character and appearance of this part of the countryside.

**4.00pm Application No. 14/00834/TEMP
THE BURROWS GARDENS, BURROWS LANE, BRAILSFORD**

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

**4.25pm Application No. 15/00043/OUT
MAIN ROAD, BRAILSFORD**

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

5.00pm RETURN TO ELIM PENTECOSTAL CHURCH

COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a

single group at all times.

8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

15/00325/FUL

Rose Cottage, Snapes Lane, Snelston



Derbyshire Dales DC

1:1,250

Date: 31/07/2015

100019785

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

15/00325/FUL REPLACEMENT DWELLING AND GARAGE / WORKSHOP AT ROSE COTTAGE, SNAPES LANE, SNELSTON FOR MR. ROBERT BUTCHER

Parish Council: Snelston
Application type: Full

Date of receipt: 11.05.2015
Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:

Rose Cottage is situated to the east of Snapes Lane in open countryside, approximately 1km to the south of Snelston Village. The building has been extensively altered and extended on both sides and is almost five times its original size, in footprint terms. It sits close to and is orientated so that its length runs parallel with Snapes Lane. The exterior walls are faced in painted brick and the roof in plain clay tiles. Above the windows and doors is a cranked hood detail, a common feature of buildings within the locality. At the rear of the property are a series of two storey and single storey extensions. Projecting beyond the principal elevation is a lean to extension and to the side is a conservatory.

The property sits in 0.5ha. To the north east is a separate bungalow 'The Shellings' which is also owned by the applicant. A freestanding garage is located to the south east of the main dwellinghouse. Directly to the north are a number of mature trees which sit behind a low level hedgerow which lines the road.

Chapel House (the nearest separately owned dwellinghouse), is located approximately 150m to the south. It is traditional in appearance and form and is faced in render.

THE APPLICATION:

Full planning permission is sought to demolish the existing dwelling and to erect an art and crafts style dwellinghouse with associate garage / workshop in its place. The replacement dwelling will occupy a similar position on site and will have an L shape plan form. It will be two storeys high. At the north western end of the building curved glazed wall at ground floor level with open balcony above is proposed which turns away from the road in an easterly direction towards a pond. At its extremities the building will be 25m long by 8m wide (approximately). The land upon which the building will sit will be built up slightly and retained at the front by a sweeping ha-ha wall. To ridge the dwellinghouse will be 9.2m high above relative ground level (10m above the lowest level of the land beyond the ha-ha wall. The replacement dwelling will have a hipped roof with overhanging eaves and feature chimney breasts and stacks. The exterior walls will be faced in red brick and stone and the roof in plain clay tiles. Projecting beyond the principal elevation will be a glazed atrium with subservient hipped roof. At the rear of the property a large sweeping canopy is proposed, which will link the dwellinghouse to a freestanding triple garage, which will replace an existing garage. The replacement dwellinghouse will utilise the existing access.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Local Highway Authority:

Given that the proposal is for a replacement dwelling of similar size and in terms of number of bedrooms and a high level of vehicular parking and manoeuvring is being proposed, an objection on highway grounds would not be sustainable. A number of conditions and advisory footnotes are, however, recommended.

Parish Council:
Object.

There is concern that construction traffic for this site, because of the scale of the demolition and of the proposed house, should not come through the village. The lanes are narrow and the hills are steep, with a lot of parked cars on bends in the village that are difficult to negotiate and see around. Construction vehicles should be directed to follow the A515 to the B5033 (Cockshead Lane) and turn into Snapes Lane to the property.

As the proposed house does not conform to the local vernacular, there is concern that it will be over prominent and out of character with other both old and new properties in the vicinity.

There is concern that a suburban style of house will detract from an unspoiled country lane that has some of the best views in Derbyshire and that terminates in the parkland conservation area of Snelston.

The reasons cited for the demolition of Rose Cottage are inadequate. This house has been a family home for many generations. Beneath the render (sic) and behind the plastic windows is a brick cottage that most likely dates back to the creation of Snelston's model estate village in the mid 19th Century.

Derbyshire Wildlife Trust:

Support the recommendations and conclusions in the Great Crested Newt Habitat Assessment and Survey Report and support the retention of the pond and the proposed measures to enhance the pond and surrounding garden. The Trust advise that no further information on great crested newt is required at this stage and it is considered that the planning authority have all the necessary information in relation to great crested newt for this application to be determined. The Trust also support the mitigation and compensation measures put forward within the bat survey report. A number of conditions to safeguard these protected species are however recommended.

REPRESENTATIONS:

Representations have been received from local residents and members of the public, two in support and two objecting to the proposed development. In support of the application the following comments are made:

We feel the proposed brick dwelling will blend in well with other local properties both old and new. Whilst other similar new builds over the last few years have been greatly increased in size from the original properties, this proposed build will be of similar size and footprint and in-keeping with the area.

I like the proposed new house's appearance and support replacement of the existing building with a better quality, more attractive new build that fits into the surrounding landscape.

In objecting to the proposed development, the following comments are made:

The proposed property and outbuilding designs are not in any way in-keeping with the character of the area. Snelston Village extending out in all directions including Snapes Lane is a rural model village of great public interest where development proposals should be considered very carefully in order to maintain this unique status.

The replacement dwelling design looks totally out of character with other properties in the surrounding area and nearby model village of Snelston.

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
- NBE5: Development Affecting Species Protected By Law or Are Nationally Rare
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE21: Development Affecting a Conservation Area
- NBE26: Landscape Design in Association with New Development
- TR1: Access Requirements and the Impact of New Development
- TR8: Parking Requirements for New Development

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 guidance in the National Planning Policy Framework (2012) 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 and having regard to the statutory consultee comments and comments received from the general public, 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 this open countryside location, and

- b) the affect the development will have on the local environment including protected species and the local landscape;

The application site is located approximately 0.5km to the south west of Snelston Conservation Area boundary. Intervening landscape features filter any views of the site from the conservation area, a designated heritage asset, such that there would be no adverse impact on its setting. The Local Highway Authority are satisfied based on the size of the replacement dwelling and associated parking and manoeuvring space that the proposed development would not have any highway safety implications.

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

4. The existing cottage has been extensively altered and extended. The exterior brick walls have been painted and a lean to extension added at the front which covers over a large proportion of the central section of the property. Further extensions to the side and rear of the property have also been carried out, which have consumed the majority of the original cottage. Combined with the condition of the building and the inconvenient internal arrangement, its replacement with a building that does not have a detrimental impact on its surroundings and preserves this part of the countryside is considered to be acceptable in principle.

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.

Following concerns raised by the Parish Council and members of the public the applicant has made some revisions to the design of the replacement dwelling. The eaves level of the feature window projecting beyond the principal (roadside) elevation has been lowered and extra weight given to the timber structural elements. Visual weight has also been given to the timber window frames generally, by increasing the cross section of the mullions on all elevations and adding details to the natural stone lintels. More mass and details has also been added to feature chimney breasts and stacks.

The design of the replacement dwelling has clearly divided opinion. It has been heavily inspired by the Arts and Crafts movement and is similar in appearance to the 'Deanery Gardens' house designed by Edwin Lutyens which was built in 1901. The position of the replacement dwelling and garage relative to the road and their footprint / general arrangement is similar to the existing house and ancillary outbuildings. The replacement dwelling would be a higher building to maximise views

across an open valley. The size of the plot and its isolated location is such, however, that it could readily absorb a house of the size and height proposed. In terms of the appearance of the proposed dwelling, it will be visually different to the properties within the core of Snelston Village, however, having regard to the location of the site this is not considered to be an issue. The Arts and Craft style of building can fit in well within a rural context and there are examples of Lutchen designed and inspired houses within the Derbyshire Dales District, including Ednaston Hall. The nearest dwellinghouses, the Shellings and Chapel House, do not conform with the uniform design of the estate houses found in the historic core of the village and there is no reason why this design concept should be followed on the application site. Having regard to the location of the site and its context it is not considered that the design of the replacement dwelling would have a detrimental impact on its surroundings. It would be an interesting building that would, it is considered, enhance or at least preserve the character and appearance this part of the countryside.

Impact on the Local Environment

5. Although the main dwellinghouse would be a slightly higher building, it would be viewed from the road and from across the valley against the backdrop of trees. It would not have an adverse impact on visual amenity or the character of the local landscape for this reason and also because it occupies the same part and covers a similar area to the existing dwelling on site. The replacement house sits close to a number of ponds which support a population of Great Crested Newts. Derbyshire Wildlife Trust are however satisfied that the proposed recommendations and conclusions in the Great Crested Newt Habitat Assessment and Survey Report would appropriately safeguard this protected species. Derbyshire Wildlife Trust are also satisfied that appropriate space for Brown Long-Eared Bats within the roof of the replacement dwelling and that measures for Common Pipistrelle and Soprano Pipistrelle Bats (found in the roof of the existing dwelling) will also be possible. In addition to the above evidence of Swallows nesting in the existing garage has been found. Derbyshire Wildlife Trust recommends that a condition be imposed to secure appropriate mitigation. As Swallows are an amber list species of medium conservation concern it is considered reasonable to impose such a condition, in accordance with the requirements of Local Plan Policy NBE5 and national guidance. Taking the above into consideration and subject to appropriate conditions it is not considered that the proposed development would have an adverse impact on the local environment.

Summary

6. Despite the Parish Councils concerns and the concerns raised by the public, policies contained within the current Adopted Derbyshire Dales Local Plan do not rule replacement dwellings, but it is essential to assess how they will sit on the site, are appreciated in context and affect the character and appearance of the countryside. It is considered that the replacement dwelling that is being proposed could be absorbed within the site without detriment to the local environment and that its appearance / design would be in tune with the rural context of the site and be a more satisfactory alternative to renovating and/or repairing the existing dwellinghouse in this case. A recommendation of approval subject to conditions is put forward on this basis.

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 9th July 2015 numbered 2190-11 A, 2190-12 A, 2190-13 A and 2190-14 A .
3. DM1: All Materials to be Approved – General.
4. Concurrently with the submission of a sample of the walling materials, a 2 square metre sample panel of the exterior brickwork shall be erected on site for inspection prior to the commencement of building works. The development shall thereafter be constructed in accordance with the approved details.
5. Prior to the commencement of development, details of the materials, reveal, 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.
6. DM40: Architectural Components – Details (Insert ‘no greater than 1:10’ and ‘the chimney stacks, projecting eaves, the stone plinth and the stonework to the window and door openings’.)
7. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) soil preparation, cultivation and improvement;
 - e) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - f) grass seed mixes and sowing rates;
 - g) finished site levels and contours, and;
 - h) hard surfacing materials.
8. All soft and hard landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of

15/00325/FUL (Continued)

the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

9. 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 and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.
10. No development shall commence until a copy of the Natural England Great Crested Newt Mitigation and EPS Bat Mitigation Licenses required have been submitted to and approved in writing by the Local Planning Authority.
11. No works shall commence until a detailed bat mitigation plan (including detailed drawings and specifications) based on the measures within the Eyebright Ecology Bat Survey Report dated July 2015 has been submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
12. No development shall commence until a swallow mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Such approved measures must be implemented in full and maintained thereafter.
13. Before any operations are commenced (excluding demolition / site clearance), 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 detailed designs which shall have been previously submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.
14. Before any operations are commenced (excluding demolition / site clearance), the existing vehicular access should be modified, laid out, constructed and provided with visibility sightlines extending from a point 2.4m back from the carriageway edge, measured along the centreline of the site 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 1 metre in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
15. The premises, the subject of the application shall not be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking and manoeuvring of resident's vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
16. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reasons:

1. ST02a.

2. For the avoidance of doubt.

3-6.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).

7-8.To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

9. To preserve the appearance of the replacement dwelling in this open countryside location in accordance with the aims of Policies SF4, NBE8 and H6 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

10-12. In the interests of safeguarding species that are protected by law or are nationally rare in accordance with the aims of Policy NBE5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

13-16.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 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 problems with the application and consent was granted without negotiation.

2. NFA20 Conditions Precedent... Conditions 3, 4, 5, 6, 7, 10, 11, 12 and 13.

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. The Highway Authority recommends that the first 5m of the proposed access drive should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.), In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

6. Pursuant to Sections 149 and 151 of the Highways Act 1990, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

This Decision Notice relates to the following documents:

1:1250 Scale Site Location Plan numbered 2190-16;

Various Photographs of the Existing Buildings;

Existing Topographical Survey;

Amended Proposed Site Layout, Floor Layout and Elevations Plans numbered 2190-11 A, 2190-12 A, 2190-13 A and 2190-14 A;

Document Titled Design Statement;

Various Perspective Drawings of the Proposed Dwelling;

Great Crested Newt Habitat Assessment dated March 2015;

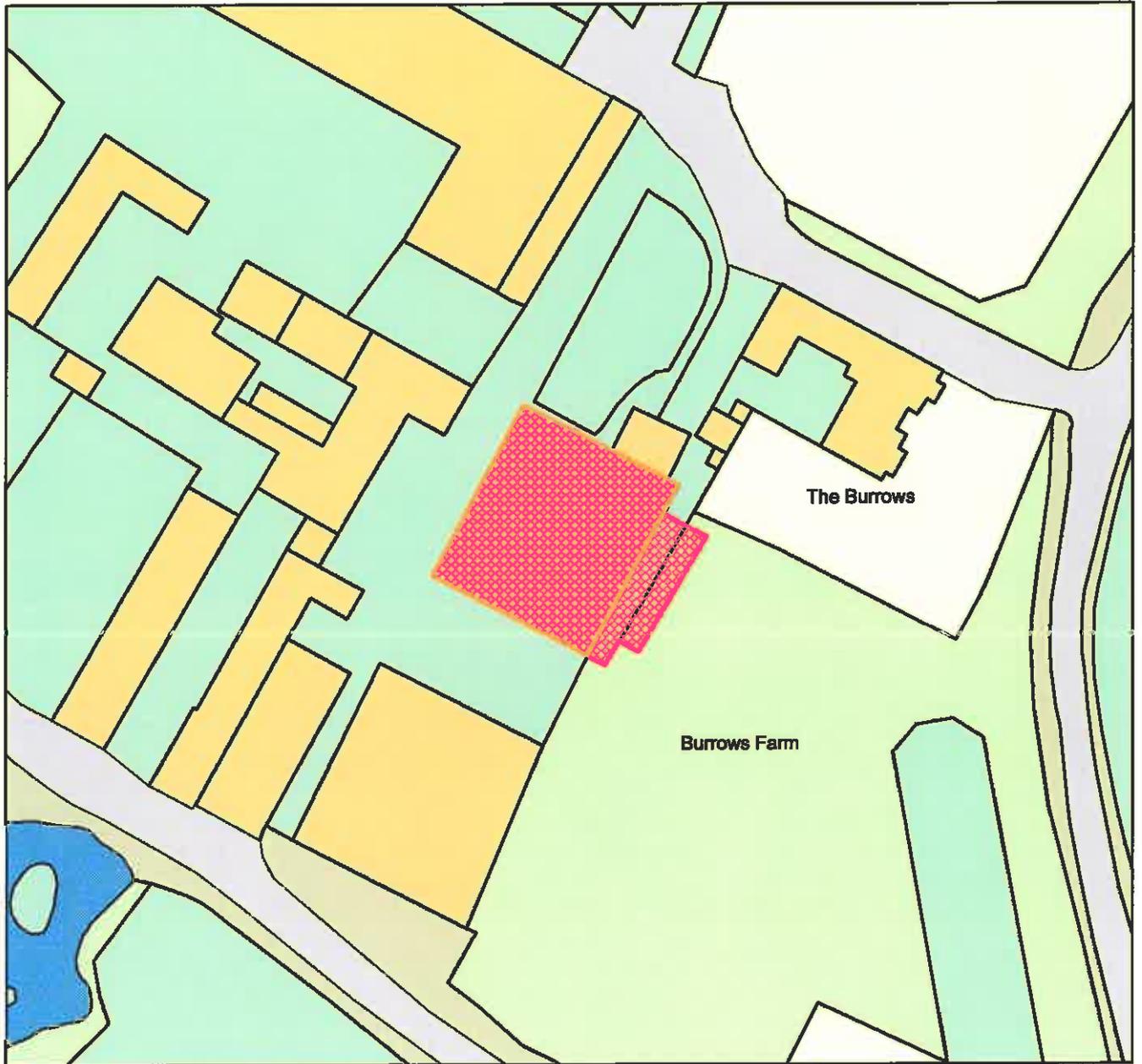
Great Crested Newt Survey Report dated July 2015;

Bat Survey Report dated October 2014, and;

Bat Survey Report dated July 2015 received by the District Council on the 11th May, 9th and 13th July 2015.

14/00834/TEMP

The Burrows Gardens, Burrows Lane, Brailsford



Derbyshire Dales DC

1:750

Date: 31/07/2015

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*Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
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14/00834/TEMP

CHANGE OF USE AND ALTERATIONS TO CATTLE SHED TO FORM WEDDING VENUE FOR A TEMPORARY PERIOD OF THREE YEARS AT THE BURROWS GARDENS, BURROWS LANE, BRAILSFORD FOR MR CRAIG DALTON

Parish Council: Brailsford
Application type: Temporary

Date of receipt: 4/12/2014
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application relates to part of an extensive farmstead premises located within open countryside about a mile and a half south of Brailsford village. Together with a dwelling, and its landscaped gardens, there are several farm buildings of various sizes, associated yard areas and agricultural land. Access is along Burrows Lane, from Hall Lane which leads to the A52 main road that runs through Brailsford village.

Specifically, the application relates to a small area of the existing garden and a cattle shed building that is open on two sides, has blockwork walls on the other two sides and has a sheeted roof.

It has a floor area of 424sq.m and immediately adjoins the dwellings gardens and the domestic boundary between the gardens and the agricultural building.

THE APPLICATION:

Temporary planning permission for a three year period is sought for the change of use of the cattle shed to form a wedding venue. A supporting statement advises that the building has level access from the house gardens and the existing car parking area. The roadway linking the car park and the application building is wide and in good condition for the wedding car, catering vehicles and other companies engaged in the wedding event. Large areas of hard standing around the building will enable space for deliveries and access for emergency vehicles.

The buildings raised concrete holding pen will be removed, as will most of the southeast facing blockwork. Works of recladding and erecting new walls to house a main marquee are to be undertaken; two small tents will accommodate food preparation and toilet areas. A new sewer link is to be installed to connect to the farms existing sewage plant. The tents are insulated and sound proofed and will be housed wholly within the existing building. The existing conifer edge will be removed and a new flag stone terrace with some outdoor seating to provide opportunity for the guests to enjoy the gardens.

An experienced management company will oversee the venue who run marquee wedding events across the Midlands, including at Tissington Hall.

Approximately 50-160 guests will be accommodated, which is much smaller than the existing facility at nearby Osmaston Park that can accommodate up to 500 guests. The facility, as a new venture, is expected to be popular with access to superb gardens. However, there is a long lead in time for a new wedding venue to be popular as weddings are booked up to two years ahead. The wedding party want assurance of a successful event which points to established venues being favoured. A slow development period may therefore be expected, with events increasing gradually in the first 2-3 years. In the first year up to 28 events are expected, rising to 50-60 events in year two and hopefully rising up to 104 by the end of year three, equivalent to two a week. The events will be higher in

the summer but the venue will be heated and well insulated, and available throughout the year.

The statement examines relevant local plan policy and refers to advice within the National Planning Policy Framework (2012). Specifically mentioned is saved local plan policy EDT14 which supports the reuse of existing agricultural buildings for economic development purposes (as long as it does not have an adverse impact on the character and appearance of the building or its surroundings). Paragraph 28 of the NPPF provides strong support for the economic growth of rural areas including the conversion of existing buildings for commercial and business purposes. Paragraph 32 requires applicants to take up opportunities for sustainable transport modes and that safe and suitable access can be achieved for all people. The framework goes on to state that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. Further reference is made to changes to the General Permitted Development Order, introduced in May 2013 that allows for the change of use of agricultural buildings to class D2 Assembly and Leisure, without formal planning permission being required for buildings up to 500sq.m in floor area, subject to certain considerations. The statement considers that the principle issues in respect to this application relates to transport and to noise impact on the amenities of neighbouring residents.

The site is stated to have car parking space for 32 cars, including 4 disabled spaces. In addition, some 100 cars may be accommodated on a dry field, with access from the entrance to the gardens, which is already used occasionally for events, under the 28 day rule (GPDO Part 4). There is space within Burrows Farm to turn coaches and other large vehicles, extensive areas of hardstanding around the building will allow for deliveries and catering supplies. The site can fully accommodate disabled attendees. Overall, it is anticipated that the largest parties, 65 to 70 vehicles, may easily be accommodated. Transport consultants have considered the highway and traffic issues on behalf of the applicant. The majority of vehicular movement will be outside peak traffic periods and a large number of guests will arrive in multi-occupancy vehicles. A maximum of 160 traffic movements is anticipated with the majority of in-bound movements to be in the hour before the wedding ceremony. Outbound trips are likely to be more staggered.

A traffic survey was carried out on the 24th January 2014 between 9.00am and 1.00pm, and only 12 vehicles used the access roads to and from the A52. Visibility at the burrows Lane junction with the A52 is excellent in both directions. At the junction of Hall Lane with the A52, visibility is restricted to the east. However, a speed survey has indicated that adequate visibility splays are available and neither junction has generated any recorded accidents and is safe.

This is a new business venture whereby a temporary permission will allow its impact to be assessed. Some road widening/passing places could be introduced if necessary. Bond Marquee's, who are part of the business venture, have venues at Thrumpton Hall, Tissington Hall, Conbermere Abbey, Chillington Hall and Whatton House, which are all in rural locations. Events previously held at The Burrows Gardens, including weddings, have taken place and no problems of traffic congestion have occurred.

A three year temporary permission is sought which is the minimum period of time to test the market, introduce services and includes for 3-6 months getting the venue prepared for wedding parties.

With regard to impact on neighbours, the supporting Planning Design and Access Statement refers to the nearest third party properties. Fearn's Cottage is southeast of the application building, south of the garden, about 60m from the development. A replacement dwelling is 80m to the northwest of the development. A thick hedge and trees separates Fearn's Cottage from the Burrows Garden and it does not have any windows looking directly at the building proposed for change of use. A replacement dwelling is set behind a number of existing farm buildings and sheds. No music is to be played outside of the application building, neither live nor recorded. The internal sheds are insulated and conversations within the grounds are already regularly heard as the garden is a public venue. Inside the building noise will be controlled by using soft surfaces to absorb noise and a high quality directed sound system will be installed for speeches and dancing.

In summary, the application building lies in a central part of the farm and is not visible from any public vantage points. The Burrows Garden has been developed for over 20 years and makes a superb venue for weddings. Changes that are proposed will enhance the buildings character and appearance. Issues concerning transport and noise have been duly considered, with the Local Highway Authority having been consulted with respect to traffic.

The bar is set high for refusal on traffic grounds based on the advice at paragraph 32 of the National Planning Policy Framework. Notwithstanding this future road widening may be undertaken, if required, at the renewal stage of the temporary planning permission.

Based on the above, and with the employment being generated for catering staff, interior designers, musicians, wine suppliers etc, to support local businesses, a recommendation of approval of temporary permission is requested by the applicants agents.

RELEVANT HISTORY

None

CONSULTATIONS:

Local Highway Authority

There are three vehicular access routes to this site, all of which are single width roads with few formal passing places. Two of these access routes are from the A52 (Hall Lane and the top section of Burrows Lane). The other route is the bottom section of Burrows Lane which leads up from Long lane. Out of these, the preferred route is Burrows Lane leading down from the A52, which is the shortest route and there are no residential properties on this section of road for the application traffic to interact with. (This should be recommended by the applicant in promoting the premises/sent to customers and be conditioned accordingly).

In order to encourage alternatives to single occupancy car use, a Travel Plan should be submitted. Whilst the Highway Authority cannot insist that all visitors must take the preferred route, all three routes, for the most part have flat grass verges on either side of the carriageway, enabling two vehicles to pass each other, although leading to some deterioration of the highway verges. However, this is a maintenance concern rather than a safety one. Should formal passing places be required, this is something the Highway Authority could recommend in the future, after the temporary permission has expired and a full application is submitted. Furthermore, the majority of traffic visiting and leaving the site is likely to be tidal in nature i.e. all arriving and departing at similar times and limited to certain times of day, lessening the potential conflict on the narrow lanes.

Following a site visit it was clear that traffic on all three access routes was travelling at low speeds. The Highway Authority is only able to give consideration to off-site traffic impact from development proposals where this represents a significant increase compared to existing flows already present. On busier parts of the network the proportional traffic increase from new development is therefore often insufficient to be taken into account. Even where traffic increases are significant the Highway Authority still has to have evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (mitigation or rejection). The applicant does not have to address all of the pre-existing limitations of the highway network, only those where it can be demonstrated that there would be a sufficiently large and harmful effect. Forward visibility, for the most part is good and empirical data would suggest there is not a pre-existing accident problem in the area or common causation factor that would be exacerbated by the proposals. Whilst some inconvenience may occur to regular local highway users this is not envisaged to lead to any severe highway safety concerns. An objection on Highway Safety could not be sustained.

The Highway Authority considers a three year temporary period, as applied for, is too long a period should the surrounding rural roads become congested and significant damage is done to grass verges. A maximum 18 month period from the date of the first wedding event is considered more appropriate. It is not the frequency of events that the Highway Authority would wish to monitor, which will be less in the early stages, it is the impact an individual wedding event will have on the surrounding roads that the Highway Authority considers appropriate to monitor. Should a condition be able to be imposed enabling the Highway Authority to request passing places (if required), then a temporary three year permission may be acceptable.

With regard to internal layout only 24 hard surfaced spaces are being proposed close to the venue building. Whilst there is a large overspill car park in a grass field, it is unlikely that this will be fit for purpose during wet weather. Hence, additional hard surface parking should be provided within the site (i.e. grass crete). Based on the applicants figure of up to 160 guests there should be 70 parking spaces provided, which are useable all year round.

It is noted that various other events are held at the site under the 28 day rule (GPDO). Hence, any permission should be conditioned to prevent weddings and other events not to take place on the same day. Not only will this ensure that adequate parking is available within the site but it will limit any congestion on the surrounding rural roads.

In conclusion, the Highway Authority has no objections to the proposals subject to conditions being imposed that deal with: -

- i. the sole means of vehicular access to the proposed wedding venue shall be via the sites existing access to the northeast of the site, adjacent to the overspill parking area
- ii. the permission being for a temporary period only
- iii. the use shall not commence until a travel plan has been submitted
- iv. a transport management plan be submitted, and
- v. revised drawings/details be submitted to indicate 70 car parking spaces being accommodated all year round within the site.

Parish Council

The volume of traffic created by guests, suppliers and support staff required to service the venue, operating all year round, with the number of events planned is unsuitable for the

local road network. Burrows Lane from which the access is to be taken is a single width rural road with a number of sharp bends/blind corners and already has relatively high usage for a road of its type from local residents and farm traffic, especially in summer. It is particularly unsuitable for coaches and HGV's and has poor access onto the A52 and to Long Lane (the feeder roads). Although the applicant is suggesting that all traffic will access from the A52, there is currently no proposed mechanism to manage and sustain this. The use of satnavs is likely to route traffic from the west via Long Lane. A venue of this type will inevitably bring noise and disruption, noise from a similar venue at Yeldersley Hall travels as far as Brailsford and Ednaston, some two-three miles from the venue. The National Planning Policy Framework supports sustainable rural development. This proposal is not in keeping with the current rural environment, and will have negative social impact (i.e. traffic, noise and disruption) for the locality. The economic benefit in the form of ongoing employment is unclear and the application does not provide evidence as to why the venue would be sustainable.

Head of Environmental Health

No objections. The applicant has submitted a noise assessment report and has obviously thought about the potential noise nuisance occurring during planned events in some detail. I am satisfied that the use of the intended acoustic lined tents will be able to achieve sufficient noise reduction measures to ensure that a noise nuisance does not exist at the nearest noise sensitive properties. Furthermore, it is stated in the noise report that additional linings can be added to the tents if required to further reduce noise levels from inside the tents.

I am satisfied that the applicant has taken sufficient measures to ensure that a noise nuisance will not exist, given the applicant is prepared to take further attenuation measures should the need arise.

REPRESENTATIONS:

Nineteen letters of objections have been received from / on behalf of local residents. Their representations may be summarised as follows:

- Previously when wedding receptions and private parties have been held at The Burrows Gardens, music has been clearly audible at our address. Should planning permission be granted for a full wedding venue we would be concerned about possible noise nuisance from music and fireworks etc.
- The access roads to this venue from the A52 are narrow, such that passing cars have to slow down and take to grass verges in certain areas, with twelve residential properties bordering or in close vicinity to the venue we believe that the site is unsuitable for the proposal and should be refused.
- The access roads simply cannot accommodate a high volume of traffic and allow access to the residents living on Burrows Lane.
- Significant noise would be generated whatever measures are referred to in the application. This is completely at odds with a quiet rural area and such exploitation of the area is completely unfair to the quality of life of neighbouring residents.
- No consultation/discussion has taken place with local residents, even if some was carried out with the Local Highway Authority.

- The 100 or so events estimated by the end of year three will, it is estimated, be between April and September. This means every Saturday could be booked, with an additional three events per week in the 'wedding season'. This may involve some 160 guests attending, with 60-80 car and bus journeys to and from the site. Add to this staff, contractors and catering distribution vehicles this much loved rural area will be swamped for at least 3-4 days, between April and September.
- It is clear to the local community that traffic volume increase will have an adverse effect on the community, the areas wild life and the environment.
- It should be appreciated that Burrows Lane runs from the A52 to Long Lane which appears to have been overlooked. This is some 1.75 miles, with part of Burrows Lane within the South Derbyshire District Council's area. The lane sees a number of accidents due to cars meeting at speed. To suggest that all guests, contractor and event vehicles will only travel the 850m from the A52 to the farm entrance is misleading. From the Long Lane junction to the farm, a distance of 1966m, there are a total of 17 houses and one farm adjacent to Burrows Lane. Drivers cannot be forced to use a particular route and, as such, the proposals will result in significant disruption to Burrows Lane residents, with drivers heading to the A50, A38 Etwall, Hilton, Mickleover, Derby etc.
- During the summer months Burrows Lane is heavily used by large tractors and trailers and corn lorries accessing the drying facilities at Burrows Farm. These movements regularly go on until 23.00 hrs, 7 days a week in season, which impacts on residents. The owners of Burrows Farm and the corn drying facilities assured the Council and local residents who raised concerns about the tractor/ trailer and lorry movements that no lorries would pass from Burrows Farm along Burrows Lane to Long Lane. However, within a short time it became clear that the bulk of movements would come from Long Lane past resident's homes.
- The statement makes reference to a traffic survey but does not state who was responsible for this. This survey, which referred to only twelve vehicles using the local lanes is misleading and does not represent what occurs in traffic terms. The survey was on a Friday morning in winter and commenced at 9.00am after the local 'rush hour' and school run times. It ended at 13.00pm before the homecoming of residents, school pick up runs, milk tankers and deliveries. Also it did not record movements from the junction of Hall Lane and Burrows Lane through to Long Lane, a much busier stretch of road.
- An increase in traffic movements will be unacceptable and will increase the risk and dangers not only to local residents but also to all road users. The lane is used for horse riding, cycling, dog walking, bird watching and exercise.
- Noise and anti-social behaviour will be inevitable due to late night drinking, music, slamming car doors, in addition to traffic noise. To state that all wedding events will conclude by 23.00 hrs cannot be guaranteed as the people booking the venue could apply to extend the licence.
- It is clear from the submitted details that a company 'Bond Marquees' will manage the venue and not the applicants family. The proposed wedding venue is not required or justified as within the Ashbourne locality there is already a large

selection of wedding venues. (Such as at Tissington, Yeldersley, Osmaston, Mayfield, Callow, Wyaston and Kniveton (to name but a few).

- The applicant states that Burrows Lane and Hall Lane may be widened if necessary to provide passing places, but how would this be possible unless the applicant owns the land involved. The residents, who use the lanes daily, are aware of the unseen dangers and potential hazards. We are mindful of the Department of Transport Statistics which state 60% of all road fatalities happen in rural areas. Increasing the traffic along these lanes would be 'an accident waiting to happen'.
- Occasional events at the premises have caused noise disturbance to local residents, the proposed development would make the situation intolerable. We doubt that noise will be controlled, and our other concern is fireworks and use of Chinese or paper lanterns present a risk to people, wildlife, farm animals, property and the environment.
- We have clearly heard music from another wedding venue at Nether Burrows some 1600m away. Our property is 550m away from the proposed development and the area has extremely low noise levels. As such, the proposal will dramatically intrude on our environment.
- The submitted noise report does not adequately consider the disturbance caused when doors to the venue are open or when patrons are outside. Even if the terrace is closed at night it would be impossible to police, with people smoking and hanging around outside.
- People having a good time do not consider the impact this has on residents some of whom have to care for livestock early in the morning, sleep disturbance is a terrible imposition.
- The applicants desire to minimise noise and disturbance as he lived the closest to the venue is one thing. However, due to his unfortunate death after the application was submitted, his comments no longer apply and residents and the Planning Authority can have no idea of the future arrangements.
- The overflow parking is to be on an unsurfaced field. This, at certain times of year, would become a slippery muddy area resulting in mud being deposited on the road and tractors having to tow cars off the car park. Patrons will park on the lanes, creating problems.
- Whilst 'Bond Marquees' may have a good reputation at other locations, the references given are completely different locations to the one being considered, some are large country houses in hundreds of acres of their own parkland. The application site is not even a working farm, with land and buildings in a different ownership. This is just a large house with a large garden.
- The temporary permission sought is only subject to review on potential highway improvements. This is tantamount to a permanent permission.

- Whilst farm diversification is one thing, the building to be used is only obsolete due to the applicant having chosen to sell off most of the farm yard. The part disposed of remains an active farm and has had to build new buildings in the recent past.
- The offers put forward to monitor the noise at the first three weddings are ludicrous. It is a tacit admission that there may well be a noise problem, and it is too late after permission is granted.
- Local residents are familiar with the nightmare that occurred at Nether Burrows Farm when a similar venue was run from there. Neighbours had to go away at weekends in the summer as their quality of life was destroyed.
- Changes occur in the countryside and rural communities are generally tolerant people, the introduction of a dog grooming business at the same building complex is accepted as part of the community. However, this application represents a change from a house and garden to a major entertainment complex, operating at all the times that ordinary people wish to enjoy their leisure in their gardens and homes, and when those who work caring for animals would normally be asleep.
- Financial gain for one person cannot be at the expense of the quality of life of the surrounding residents.
- The passing places referred to by the applicant are no more than the occasional field entrance and residents driveways, and should not be relied upon to prevent accidents. Very significant increases in the volume of traffic would occur along a narrow, unlit, single track country lane with poor visibility.
- Previously held events at the premises resulted in me having to visit the applicant well after 1.00am in the morning to request excessively loud music be turned down and that guests stopped shouting, else I would feel obliged to call the police. This request was completely ignored so I would conclude that any future requests would be similarly ignored.
- I have lived at Over Burrows House for 27 years, which is approximately 100m away from the proposed wedding venue. The proposal will completely destroy the rural tranquillity of a quiet country idyll. Signage will no doubt add to that which is already too much at the Burrows Lane junction with the A52. The nearest bus route is one kilometre away on the A52.
- My bedroom window directly faces the proposed venue and is kept open all year round. The noise from a wedding reception will be unbearable, and at antisocial hours. The laurel hedge between the venue and a neighbour's property only partially masks the view of the venue and offers no noise reduction.
- At the applicants funeral service held at Burrows Farm we had an opportunity to witness the disruption that large numbers of cars will bring. There was congestion on Hall Lane, difficulty in passing, cars parked on Burrows Lane grass verges, increased volumes along Burrows Lane and from Long Lane. These are problems the local residents will have, should the application be approved.

- As residents of Fearn's Cottage, which is approximately 50 yards from the proposed wedding venue site, we object to the proposed development. We have resided at Fearn's Cottage and I have worked on the Burrows Farm for 33 years. We, contrary to the supporting statement, have five windows facing the shed, which are single glazed. We know from experience that our 6ft lap larch fence does not significantly lessen noise from the Burrows Garden. We have complained to the applicant about noise and additional traffic, we hear music, cars and even speeches in our house. The gardens, which guests will be encouraged to use, border our garden on two sides.
- The supporting statement suggests that the wedding venue would be diversifying a vacant building on Burrows Farm. This building has not been part of the Burrows Farm for 15 years; it is part of the Burrows House and Gardens.
- As a farm worker, my first priority is the welfare of the stock I care for. The proposed events will cause noise disturbance and therefore distress to the livestock. Lambing ewes are easily worried, excessive noise will adversely affect the lambing environment. The plans show the venue to be only 25 yards from where the sheep are kept.
- Hay storage is a matter of feet away from the venue. Outside smokers will be close to this and the disposal of cigarettes is very much a concern.
- I drive large agricultural vehicles and machinery on the local lanes and know how difficult it is to negotiate other road users. I cannot imagine the chaos caused if I was to meet a convoy of 50 cars on the lane.
- There will be drivers using the lanes who are under the influence of alcohol.
- A land registry search has been carried out, with the farm being the subject of subdivision. The Council are asked to obtain confirmation from the applicants representative that there is control of the red line application site and all of the land edged in blue.
- The noise assessment report relates to an acoustic assessment of a marquee undertaken by the manufacturer in 1997. It relates to a marquee measuring 3m x 6m. The application site covers 424sq.m. The assessment does not factor in noise from outside the marquee; there is an extensive terrace and grassed area to encourage guests to go outside. Monitoring the first three events will not assure residents that their amenity will be protected.
- The assessment refers to the area being 'generally quiet' and background noises being 'low'. This completely misrepresents the existing situation, background noise is extremely low and, in the evening, virtually non-existent. The applicant has not undertaken any noise measurements at local residential properties or elsewhere in the locality.
- The fact that the gardens are open to the public is a complete irrelevance. A visit to the gardens by very small groups of people in the daytime cannot be compared to a party atmosphere, with up to 160 guests attending, late into the night.

- No weight can be given to the other venues that Bond Marquees are associated with. Some are large country estates remote from residential properties. The application premises are close to the other dwellings within this small hamlet, Fearn's Cottage is 50 metres away from the building but much closer to the 'spill out' activity that would occur. The Council should commission its own specialist acoustic report.
- Intermittent but regular noise breakout would occur as people move in and out of the building, into the gardens. The buildings southeast elevation contains three doors onto the terrace, which during hot weather may be left open resulting in noise breakout.
- An outdoor terrace is proposed close to Fearn's Cottage. Weddings and parties are joyous occasions but can be lacking of control as guests are primarily there to enjoy themselves. They will not be mindful of impacts on neighbouring residents. Restricting guests to keeping within the building would not be enforceable, the terrace and gardens are part of the facilities for guests to enjoy. Neighbouring residents will be affected and unable to enjoy peace and quiet of this rural location, especially later in the day when guests are leaving the venue saying their goodbyes and when their vehicles are driven away.
- World Health Organisation Guidance states that in respect to daytime levels for outdoor areas, e.g. gardens, over the 16 hour daytime period 0700-2300, few people will be highly annoyed at LAeq (Noise) levels below 55dB(A). This forms the basis of BS8233 upper guidance value for external areas
- Guidance is also provided in respect to individual noise events at night, the noise inside bedrooms not to exceed 45dB, which, with windows open for ventilation, external levels should not exceed 60dB.
- Paragraph 123 of the NPPF addresses noise and states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life, as a result of new development. The proposal will not satisfy this requirement.
- Noise Policy for England (2010) advises that 'Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government Policy on sustainable development, it should avoid significant adverse impacts on health and quality of life; mitigate and minimise adverse impacts on health and quality of life, and; where possible, contribute to the improvement of health and quality of life'. There will be significant adverse impacts if the proposed development is allowed.
- WHO defines health as a state of complete physical, mental and social well-being, not merely the absence of disease or infirmity, and is a fundamental right of everyone.
- Noise exposure, in causing annoyance and sleep disturbance can give rise to adverse health effects.

- The amount of traffic that could be generated, with up to 160 guests plus staff will have an adverse visual impact on the neighbourhood and represents an incongruous incursion into the countryside. This will be exacerbated when the entire parking provision needs to be surfaced.
- The location is not sustainable, there are no bus services and paragraph 14 of the NPPF is not engaged.
- Reference to GPDO provisions for agricultural buildings to assembly and leisure use has to satisfy certain criteria i.e. the building had been used for agricultural purposes previously. As this building has not been used for this purpose for over 15 years, the application should be re-described. Notwithstanding this, the extent of external alterations means it would not qualify for the Prior Notification procedure.
- In terms of the planning balance, and with regard to Paragraph 7 of the NPPF, in our opinion there are no environmental benefits associated with the proposal and major elements of harm would occur. There will be little economic benefit to the area, unless part-time jobs are taken up by residents. Socially there are no benefits, only harm to the social cohesion of the community.
- Whilst the supporting information states there have never been traffic problems due to events at the Burrows Gardens this is not the case. The neighbouring farmer has encountered many problems when he or his staff are driving a lorry or tractor. He has not as yet complained but is deeply concerned that the proposal will cause problems for his business and other residents in the area.
- The site is not, as stated, in the centre of the farm. The site is not a farm, there is a working farm next door and the building is certainly not in the centre of it.
- Although the terrace is proposed to be closed at 8.30pm this still means that when the occupiers of Burrows Green are most likely to wish to enjoy their garden, it is likely that they will be disturbed by noise.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance of Development

EDT8: Design And Appearance Of new Industrial And Business Premises

EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks.

EDT16: Re-Use Of Rural Building For Industrial And Business Use

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

Other:

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

ISSUES:

1. The application seeks to obtain a three year temporary planning permission to create a wedding venue by utilising a building that was part of a working farm in the past, and the landscaped gardens of the property known as 'The Burrows Gardens'. It is the case that the Burrows Gardens have previously been used for events and suggested that this authorised under the provisions of Part 4 Class B 'temporary use of land' of the Town and Country Planning (General Permitted Development) (England) 2015, (and previous versions of the Order). However, the Order affords the use of any land, for any purpose for not more than 28 days, in total, in any calendar year. One of the provisions of Part 4 Class B is that the temporary use does not extend, under Class B.1 (b) to land that 'is a building or is within the curtilage of a building'. Hence, it would seem to be the case that use of the 'Burrows Gardens' as a wedding venue has taken place in the past without the benefit of planning permission. The fact that there is no planning permission in place for the house and its gardens to be used for wedding functions means that should temporary planning permission be granted for the subject building to become a venue, a further permission would be required for the gardens, and possibly the house. The proposed development would, if approved, involve the incorporation of an immediately adjacent storage building, on the northwest boundary of the dwellings curtilage to form a large venue facility, at the house and part of the gardens, for weddings. This represents a change of use of the premises to Class D2 of the Use Classes Order (Assembly and Leisure).

The main issues relating to the temporary proposal are considered to be: -

- i. The principle of the proposed development in this particular location.
 - ii. The effect of the proposed development on the character and appearance of the site and its surroundings.
 - iii. The impact of the proposed development upon the local highway network, in terms of highway safety,
 - iv. The impact of the proposed development on the amenities of existing residents in the locality, and
 - v. Any affect the proposed development would have on any existing business operations in the locality.
2. The building to which the application relates is located within a range of farm buildings that, for the most part are still used for farming purposes. Some small scale business uses i.e. kennels have been introduced but the subject building is currently vacant. The premises are located in open countryside and are reached along winding lanes that contribute to the areas tranquil character. There are sporadic dwellings in the general locality but three properties, namely Fearn's Cottage, Burrows Green and Over Burrows House are fairly close to the application premises. The nature of this particular application is somewhat unusual given that it would appear to be an expansion to a wedding venue at The Burrows Gardens, which does not have the benefit of planning permission for such use to take place. However, it is considered appropriate to examine any relevant planning policies that may point to the proposed development being acceptable, in principle. The following saved policies of the Adopted Derbyshire Dales Local Plan (2005) are considered to be relevant. Policy SF4 deals with development in the countryside and whilst it limits development to certain types, unlike the balancing exercise advised in the NPPF, the range of development includes ' the acceptable re-use adaptation or extension of an existing rural building'. The policy is supportive of essential development such as agriculture,

sport and recreation, tourism, farm diversification that requires a countryside location. It requires development to be appropriate in nature and scale, it should preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. This, it is considered, for the most part is in line with the advice at paragraph 17 of the NPPF which aims to promote sustainable patterns of development. Policies SF5 and EDT8 seek to promote good design which is consistent with Part 7 of the NPPF. Policy EDT8 also requires that development 'does not create unacceptable problems in terms of the relationship between the proposal and the neighbouring uses beyond the development site'. Policy EDT15 allows for some small scale business development in the countryside, advocating good design, the development is commensurate with its function and needs; the development is charged with not having an adverse impact upon the immediate and wider environment. Saved Policy EDT16 of the Adopted Derbyshire Dales Local Plan deals with the 'Re-use of Rural Buildings For Industrial and Business Uses'. It advises that planning permission will be granted subject to a number of provisions. These require the building to be of permanent and substantial construction; to be in character and appearance of its surroundings; to be converted without extensive alteration, rebuilding or extension; the conversion should not result in a detrimental impact on the buildings, or its surroundings appearance and for there to be no need for outside storage. (It should be noted that these provisions are all required to be met in tandem). Part 3 of the National Planning Policy Framework deals with 'supporting a prosperous rural economy' and advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

The National Planning Policy Framework advises that there are three dimensions to sustainable development which are economic, social and environmental. The planning system should play an active role in guiding development to sustainable locations, with the aim of seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. It is the case that plans and decisions need to take local circumstance into account, to respond to different opportunities to achieve sustainable development. Taking the above considerations into account together with the supporting information and the representations received, the balance of consideration points to the proposed development not being appropriate in this particular location. Unlike a venue in a settlement or at a historic property with extensive grounds the proposed development concerns a vacant building within a range of both used and former agricultural buildings some that are owned by the applicant and sited adjacent or near to the domestic curtilage of The Burrows Gardens. With no planning permission in place and no temporary use under the General Permitted Development Order afforded to the existing house and garden curtilage, the extensive use of the nature proposed is not considered to meet the requirements appertaining to sustainable development set out in the NPPF. Further, the proposed use of the building involves alterations that do not meet the requirements of Local Plan saved Policy EDT16 nor does it represent 'Farm Diversification' dealt with in saved Policy EDT14 of the Adopted Derbyshire Dales Local Plan, as referred to in the applicants supporting statement. As such, the principle of the proposed development, at this particular remote rural location, whereby users would be heavily reliant on the private car, is not considered to be sustainable and, as such, would be inappropriate.

3. The building to be used is historically part of a group of farm buildings which, following subdivision is not part of the adjacent working farmstead. Being of typical fairly

rudimentary appearance the installation of a marquee within the building is not considered inappropriate in visual terms nor is the opening up of the elevation facing the gardens and erecting new walls with cladding, with fully glazed double doors and fixed pane windows to create an entrance, fronting the proposed terrace. The terrace will be some 40m away, across the existing gardens, from the highway at its nearest point. As such it is not considered that the proposed alterations would not have an adverse impact upon the locality being contained within the garden curtilage. The parking closest to the premises will be visually absorbed to some extent by the adjacent farm buildings. However, the overflow parking in a field to the north of the venue will result in some visual intrusion in this rural location. Whilst the parking of vehicles will not be a daily occurrence the impact of vehicles using the field will, in certain weather conditions result in the field being potentially 'churned' up. However, as this is shown to be within the applicants control a condition that deals with both surfacing and landscaping may be imposed that will mitigate any adverse impacts to some degree.

4. The Local Highway Authority has considered the proposed development and the limitations of the local highway network. They consider that access along Burrows Lane from the A52 to be the preferred route and suggest that the applicant should advocate this route to potential users of the facilities. They also advocate that a travel plan should be submitted to encourage alternatives to single occupancy car use. However, they are not opposed to the development in principle as they consider that a temporary permission will enable any traffic issues to be identified and addressed by either appropriate measures being introduced or further permission being withheld. Clearly, there is concern within the local community that the significant increase in vehicular traffic using the local highway network will create problems. Policy TR1 of the Councils Adopted Local Plan requires development to be served by vehicles to be served by a safe access, to be accessible to a road network of adequate standard to accommodate the anticipated traffic being generated safely, without detriment to the character of the road network and for circulation within the site to be available or can be achieved without detriment to the appearance or amenity of the area. Part 4 of the NPPF deals with 'Promoting Sustainable Transport', and advises that as well as having an important role to play in facilitating sustainable development, transport policies should contribute to wider sustainability and health issues. However, the Government recognises the location of development will affect the opportunities that may be available, i.e. between urban and rural areas. Developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment, indeed, the Highway Authority confirm that a 'Travel Plan' should be submitted in respect to the proposed development. Whilst it would not be possible to ensure all guests arrive via a particular preferred road network to a venue such as is proposed, a proactive approach by the applicant in the initial stages of this new business venture may help to alleviate potential hold ups. The Highway Authority advises that the applicant does not have to address all of the pre-existing limitations of the highway network only those where it can be demonstrated that there would be a sufficiently large and harmful effect. Based on this advice, refusing the application on highway safety grounds would appear not to be an option. That said it would appear that the Highway Authority are taking a 'wait and see' approach to a development that clearly has the potential to generate a significant amount of traffic along the local network of narrow country lanes.
5. Turning now to the impact of the proposed development on the amenities of local residents. The application premises are close to a number of third party dwellings, in

particular Fearn's Cottage, Over Burrows House and Burrows Green. The access into the marquee, within the footprint of the existing building, is to have a formal frontage with glazed doors and windows and not, as with most marquee facilities, a fabric or unenclosed entranceway. The Council's Head of Environmental Health has considered the submitted noise assessment report, which includes for the acoustic lining to the 'tents' and is satisfied that there will be sufficient measures to ensure that a noise nuisance should not exist (additional linings may be added if required). Notwithstanding this, it is considered essential that the operation of the venue is subject to appropriate planning conditions both in terms of its set up and its ongoing use during the temporary three year period, should planning permission be granted. Details of the internal layout of the venue need to be carefully designed to mitigate noise emissions along the more sensitive elevations. Music, whether recorded or live should be restricted to within the marquee/ building, a maximum noise limitation device for amplified music should be installed, direction of speakers should be confirmed etc. It is the case that should noise become an issue outside of the control of appropriate planning conditions, a temporary permission would enable due consideration to be given to whether a further permission should be granted. However, once established the applicant would not be able to prevent associated noise, particularly when guests are arriving at or leaving the venue. Paragraph 123 of the NPPF advises that planning decisions in respect to noise should avoid it giving rise to 'significant adverse impacts', on health and quality of life. Decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. At the same time Paragraph 123 advises that decisions should aim to recognise that development will often create some noise.... That said, it would appear that based on the comments of residents of the locality noise has previously been an issue both at the applicants premises and other wedding venues in the wider locality. This is a tranquil rural locality and the venue lies in close proximity to dwellings. On balance the potential for significant noise to be penetrated by the venue and particularly the comings and goings of patrons could lead to significant detriment to the amenity of nearby residents.

6. With regard to the impact upon existing business activities within the area, the main ones that has been highlighted are agricultural enterprises that are adjacent to the applicants premises, and/ or that use the local road network at times of day when guest and staff vehicles are also moving to and from the proposed venue. Clearly it is inevitable that there will be occasions when vehicles will meet each other along the narrow sections of the highway. The Highway Authority see the use and possible deterioration of verges to be a maintenance rather than a safety issue. Notwithstanding that drivers of agricultural vehicles generally have a higher driving position and their vehicles are larger than domestic cars allowing them to see approaching vehicles and be seen by approaching drivers, the applicant has stated a willingness to promote passing places if necessary. Whilst these may not be within the applicant's ownership, highway verges are maintained by the Highway Authority (along public roads) and before any renewal of permission stage for the proposed development, this could be investigated. The inconvenience to farm vehicles having to pass approaching vehicles may not impact unduly upon the farm business. However, measures to minimise noise emissions and loss of sleep for early risers, as well as potential noise impacting upon livestock, may only be installed at the venue. The noise from persons exiting the venue, and from their vehicles will be outside of the applicants control with the current ambient noise levels being low in this rural area, this

newly introduced and frequent noise generation will impact on the existing tranquil sense of place afforded to the local residents.

7. It is the case that the applicants premises have already been used for events that include weddings, based upon the submitted details and representations from neighbours. These are relatively low key, based on the facilities that are currently available. It is stated that they do not, based upon their frequency, currently come within the control of the planning system. However, this is not the case as confirmed previously in this report. The ability to impose planning conditions to minimise the impact of this business expansion also does not automatically mean it is a sustainable use in this particular location, even if it is initially, for a temporary period only. The nature of wedding venues is that they are booked several years in advance. The applicant envisages a yearly increase in the bookings which, if successful, will mean that there will be an increasing number of wedding events planned and booked for the period beyond the temporary three year permission, the potential for disturbance will therefore increase. As such, the planning balance concerning this particular application is by no means straightforward, particularly given the location of the application premises. However, after due consideration the following comments are relevant to inform the recommendation. Part 3 of the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Support is advocated for the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. However, when the proposed developments potential for adverse impact upon the local residential properties is considered, any positive benefits the development may result in are outweighed. The application as submitted is ill-considered as the existing curtilage of the Burrows Gardens does not have planning permission to be used as a wedding venue nor does it benefit from permitted development temporary uses as prescribed at Part 4 of the current General Permitted Development Order. Clearly, the proposed development would rely on the residual garden area to facilitate and complement the proposed developments usage.

Furthermore, and notwithstanding the comments from Environmental Health, the comings and goings of guests and employees, particularly in the late evening period, has the potential to create noise disturbance to living conditions that local residents currently, and may reasonably expect to enjoy. Paragraph 10 of the NPPF advises that decisions need to take account of local circumstances; one of the core planning principles set out at paragraph 17 of the NPPF is that planning decisions should 'seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. It is considered that although only a three year temporary period is being sought for the proposed development, upon commencement the development would have the potential for significant adverse impact upon the living conditions currently enjoyed by local residents.

Based on the above concerns, it is recommended that the proposed temporary planning permission for the proposed development should be refused.

OFFICER RECOMMENDATION:

Temporary planning permission be refused

1. The proposed development relates to a vacant building, originally part of a working farm complex located within open countryside to the southeast of Brailsford village.

The proposed conversion and change of use of the building, incorporating part of the adjacent garden area, to create a wedding venue represents an inappropriate, unsustainable form of development in this rural location. Without any overriding justification to support the proposed development, the application is contrary to policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance in respect to sustainable development in the National Planning Policy Framework.

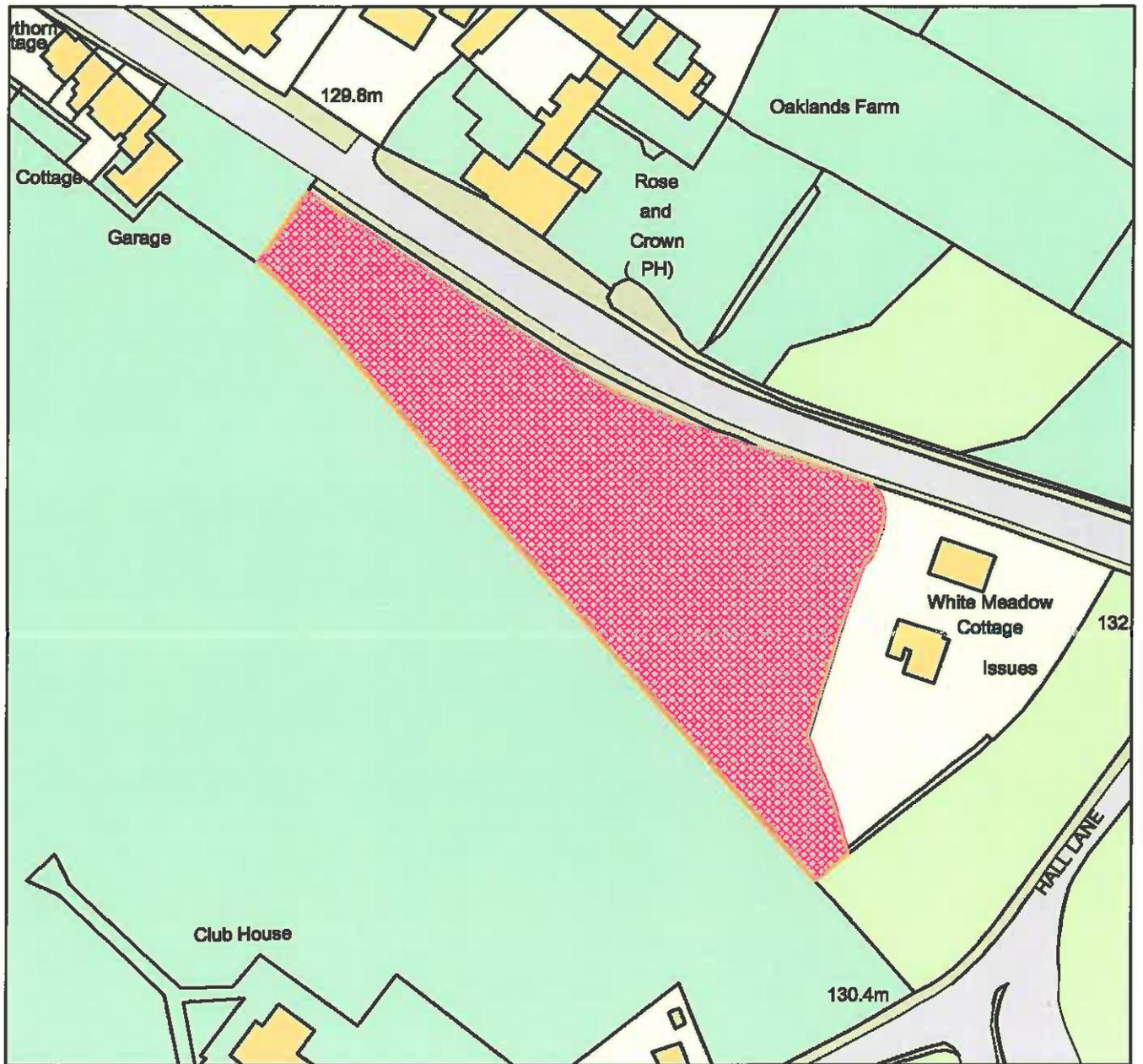
2. The proposed wedding venue would result in significant vehicle movements, especially in the late evening, in this tranquil rural location where background noise levels are low. The potential for noise disturbances from the comings and goings of vehicles and patrons would result in a detrimental impact on residential amenity of nearby occupants. As such, the proposed development is contrary to the aims of policies SF4 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance in respect to sustainable development within the National Planning Policy Framework.

Footnotes

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision relates to the following documents: -
 - Planning, Design and Access Statement dated December 2014
 - Noise Assessment Report dated December 2014
 - Measurement of Performance of Acoustic Lining of marquee – Bedford Blues, received 24th December 2014
 - Report relating to ‘Measurements to Determine the Effectiveness of a Marquee in Attenuating Sound’ dated April 1997
 - 1:1250 Scale site location plan – drawing ref: 889-001
 - 1:100 Scale layout plan – drawing ref: 889-002
 - 1:100 Scale elevations – drawing ref: 889-003
 - 1:500 Scale site plan – drawing ref: 889-004
 - 1:500 Scale site plan – (showing parking areas) – drawing ref: 889-005
 - 1:100 Scale existing layout – drawing ref: 889-006
 - 1:100 Scale existing elevations – drawing ref: 889-007

15/00043/OUT

Main Road, Brailsford, Derbyshire



Derbyshire Dales DC

1:1,250

Date: 31/07/2015

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

15/00043/OUT

**RESIDENTIAL DEVELOPMENT (OUTLINE) AT MAIN ROAD,
BRAILSFORD FOR MATHER JAMIE LTD**

Parish Council: Brailsford
Application type: Outline

Date of receipt: 27/01/2015
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application site is a 0.56 hectare agricultural field bordering A52 Main Road on its southern side, at the eastern approach into Brailsford village. It is bordered by the Funeral Directors premises at White Meadow Cottage to the east, golf course land to the south and a garage premises to the west, the boundary with which is the Settlement Framework Boundary of Brailsford as defined in the Adopted Derbyshire Dales Local Plan (2005). Roughly rectangular in shape but narrowing at its western end, a watercourse, which is dry for most of the year, runs along the sites southern boundary in a northwest to southeast direction. Across the A52 to the north is the Rose and Crown public house and its car park; to the pubs eastern side is a small field and to the west are dwellings.

The site is a fairly level parcel of grazing land enclosed by hedgerow with occasional trees, except along its eastern boundary with White Meadow Cottage along which is post and rail fencing. Access to the field is via a recessed gateway facing the Rose and Crowns car park.

THE APPLICATION:

Outline planning permission with all matters reserved is sought for residential development. A Planning Design and Access Statement has been submitted in support of the application and refers to the proposed development being subject to an extensive master planning process. An indicative layout initially illustrated a development of up to 13 no. detached dwellings with a single vehicular access from the A52, towards the eastern end of the frontage. Most of the dwellings front towards the main road and all will have vehicular access from the internal access road. The dwellings are stated to be limited to two storeys and would be 3 and 4 bedroom family homes, their construction will be aimed towards a zero carbon standard. Pedestrian access from the dwellings fronting the main road will be included and a footpath link to Hall Lane is also proposed. The pavement along Main Road will be widened to a full 2m width, which can be achieved without cutting into the existing hedgerow. Pavements will swing into the body of the site after which shared surfaces will be provided to some of the dwellings. Each dwelling is stated to have at least two parking spaces and garage space. Connections to services can be achieved and the site is well located to village amenities.

During the consideration of the application an amended indicative layout has been received that replaces two of the detached houses with one pair of semi-detached properties. This plan also shows existing trees and hedgerow. Further information on amphibians has also been provided.

The statement makes reference to the key planning issues, including affordable housing, and the site having been considered previously as part of the Councils Local Plan process. The following documents have also been submitted in support of the proposed development: -

- Landscape and Visual Impact Assessment
- Phase 1 Habitat and Protected Fauna Survey
- Great Crested Newt Habitat Suitability Index Assessment

RELEVANT HISTORY:

None

CONSULTATIONS:

Local Highway Authority

The Highway Authority, based on the all matters reserved nature of the application are not providing detailed comments regarding the proposed layout of the site. However, the proposed layout suggests that 13 dwellings may be accommodated within the site. Due to the number of dwellings proposed, the access road from its junction with the A52 up to the proposed turning head should be laid out and constructed to adoptable standards. The proposed shared surfaces and individual driveway shall remain private.

Current guidance recommends that visibility sightlines at new access points should be based on captured vehicle speeds and calculated using the formula within 'Manual for Street 2'. However, in this instance, no speed survey information has been provided. Hence based on the imposed 30mph speed limit, it is recommended that 2.4m x 47m visibility splays be provided preferably measured to the nearside carriageway edge. A forward visibility sightline should also be available to and from right turning vehicles. A site visit confirms that these visibility sightlines can be achieved from the proposed access point.

The proposed footpath widening will be subject to a Highway Authority agreement the footpath link to Hall Lane is considered to be a safe route, although control of the land between the lane and the site is not shown. Further investigation and detailed designs will be required prior to on-site works commencing. Some street furniture, signage and a telegraph pole are affected by the proposals. The applicant will need to liaise with the relevant authorities with regards to their removal/ relocation, the costs of which would be borne by the developer.

The Highway Authority recommend a range of conditions, in the interests of highway safety, should outline planning permission be granted.

Parish Council

Brailsford Parish Council object to the proposed development for the following reasons: -

1. The development would be outside the existing development boundary which was set following a Public Inquiry in 2005.
2. The proposed development (13 homes) is large for the site and is not in keeping with the characteristics of the village – the NPPF sets out guidelines about the design of the built environment. The development includes no open space.
3. Access from the site would add to the dangerous traffic conditions which already exist (and are well-documented) in the village. Visibility is not good for traffic travelling from Derby as there is a bend and the access would be opposite an existing access from the Rose & Crown public house. There was a serious accident there in 2013.

4. The development is adjacent to a long-standing business in the village and one which requires privacy. The field which is the subject of the development serves as a buffer between housing and the business operation.
5. There are mature trees on the site which would be felled as part of the proposed development
6. Thirteen new homes when added to those already approved for the village (50) will increase the size of the village by over 25% in a relatively short space of time.
7. Sixty three new homes represent a figure of nine times the number proposed as suitable for the village in the consultation surrounding the draft Local Development Plan (2013-14) if the construction of a new school had not been an enforced requirement.
8. There are already ongoing flooding issues in this area. Flooding frequently occurs running down Alley Walk into the main A52 which has blown the drain cover off. The garage next to this site has also been flooded a number of times in recent years due to the lack of capacity/poor drain cleaning. There are concerns that the sewage system on the golf course near to Hall Lane does not have the capacity for any further houses. The Parish Council have recently contacted Severn Trent with concerns regarding the planning application for 50 houses/school on Luke Lane. In summary Severn Trent records show Miller Homes have only been given permission to connect foul water to existing system in Luke Lane.

For surface water the developer requested access to the system running from the Plain. This was refused by Severn Trent as there is no spare capacity to accommodate such a development. The only course of action left to the developer is to build a massive soak away or lay a new drainage system. Equally any new proposal affecting the current system will require Severn Trent to carry out a remodelling exercise at the expense of the developer. This work has to be formally requested by the developer before any work is started. As yet Severn Trent has received no notification to carry out such work.

Peak and Northern Footpath Society

No objections and welcome potential footpath link to Hall Lane.

The Ramblers

No objections

Derbyshire County Council – Rights of Way

Rights of Way section confirm that there are no recorded public rights of way crossing the site as outlined in red in the Location Plan provided, notwithstanding any unrecorded public rights the public may have acquired through uninterrupted use. Therefore the Rights of Way Section has no objections or comments on the proposals.

Development Control Archaeologist:

The Development Control Archaeologist advises that the site is around 300m south-east of the mediaeval core of the village, which is likely to be located in the Brailsford Green and the adjacent part of Main Road, to the north of the original site of Brailsford Hall (now ploughed out – HER17201). The spread of the village eastward along the line of Main Street is likely to date from the 18th and 19th centuries after construction of the Derby to Hurdlow turnpike through the village in 1738.

The current site of Brailsford Hall lies 150m to the south-east of the proposal boundary; the current building dates from 1902 and is the second hall on this site, though the construction date of its precursor is not known. The proposal site does not however, appear to have had a historic link to the Hall, it lies outside the park boundary on the historic maps.

It is advised that the site is unlikely to be of archaeological significance and there is therefore no requirement for any archaeological requirements to be placed upon the applicant.

Environment Agency:

The Environment Agency has reviewed the application and considers that it does not fall under either of their categories appertaining to “a high risk to the environment” or “those developments which are able to offer significant environmental benefit”. The application falls under the standing advice for surface water management for developments of less than 1 ha that take place in flood zone 1.

Derbyshire Wildlife Trust

The application is supported by an initial ecological assessment in the form of a Phase 1 Habitat and Protected Fauna Survey Report ref 140920/REV2 prepared by Whitcher Wildlife Ltd, dated 8th October 2014.

The report rightly recognises that presence of native hedgerows around the entire site boundary which meet the definition as UK BAP priority habitat contrary to the statement in paragraph 6.34 of the Planning, Design and Access statement. The report also refers to the presence of three mature trees in the southern boundary hedgerow but does not include a habitat map showing the location of the trees. It is stated in the text of the supporting information that these trees will be retained and, as such, we would not require a detailed assessment of the trees for their suitability to support bat roosts. However, the indicative site layout does not show the retention of the trees. We would seek a commitment to the retention of the trees otherwise a bat survey will be required prior to the determination of the application. It is also noted that the indicative site layout will require the removal of sections of the roadside native hedgerow to form both the main vehicular access to the development and the pedestrian access to the individual plots. It is important that the overall landscaping scheme includes sufficient new native hedgerow planting to ensure there is no net loss of hedgerow priority habitat as a result of the development. Conditions are recommended.

The initial report identified the presence of three ponds in the vicinity of the application site that could provide suitable habitat for great crested and identified the need for further survey work in respect of these protected species. The subsequent letter from Clear Environmental Consultants (Nov 14) reiterates that further survey work for great crested newts will be required prior to the determination of the application given the known presence of these in the area and nearby ponds with suitability to support the species. The results of the further survey work are still awaited. We would advise that the application should not be determined until the results of further surveys are available for full consideration in order that the authority's duty in respect of the requirements of the Habitat Regulations can be discharged.

The additional survey reports have been received and do not consider that the development would be harmful to great crested newts. Any further comments from DWT will be reported at the Committee meeting.

Derbyshire County Council – Flood Risk Management Team

Surface Water:

A review of the County Councils surface water model outputs indicate that the proposed site is unlikely to be subject to surface water flooding during the critical storm duration in the 1 in 100 year return period event or for the 1 in 1000 year critical storm duration rainfall event in the current land use. (Informative on Sustainable Drainage Systems (SuDS) are provided).

Historical Data:

There are no historical records of flooding within close proximity to the site.

Fluvial Data:

There is an unnamed ordinary watercourse located on the south western boundary and also on the south eastern boundary of the proposed development site.

The watercourse on the south western boundary flows from the west of the site in a south-easterly direction and the watercourse on the south eastern boundary flows from north to south. The two watercourses combine at the southernmost tip of the site where they continue south.

DCC are not aware of any specific fluvial modelling for the above watercourses. It is recommended that a flood risk assessment is carried out to assess the scale of the potential flood risk these watercourses pose.

Water Framework Directive/Water Environment Data:

The unnamed watercourses are not currently assessed under the WFD (Water Framework Directive, 2000). No activities or works should deteriorate the status of these watercourses as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. All waterbodies should reach 'good ecological status' by 2015 according to the directive.

A brief review of the county ecological information shows that there have been no reported ecological records within close proximity of the site.

Groundwater Data:

An analysis of the British Geological Survey (BGS) data is summarised below: -

- The groundwater is not expected to be especially vulnerable to contamination. Infiltrating water should be free of contaminants,
- Groundwater is likely to be less than 3m below the ground surface for a least part of the year,
- The subsurface is potentially suitable for infiltration SuDS , and
- Increased infiltration is unlikely to result in ground instability.

It is recommended that a site specific ground investigation is undertaken for the site based on the review of the BGS data.

Derbyshire County Council – Planning Policy

In accordance with the developer, contributions protocol set out in the NPPF, Derbyshire County Council have considered the effect of the proposed development on strategic infrastructure and services. In their consultation response they consider the relevant areas where a contribution may be applicable based upon the three tests set out at paragraph 204 of the NPPF, which requires the contributions to be

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development

The following is a summary of the County Councils comments:-

Green Infrastructure:

No comments

Education:

The proposed development falls within, and directly relates to, the normal areas of Brailsford C of E Controlled Primary School and Queen Elizabeth Grammar School (QUEGS). A development of 14 dwellings would generate the need to provide for an additional three primary, two secondary and one post sixteen pupils. The primary school has a current net capacity of 91 pupils and currently has 91 pupils on the roll. The latest projections (updated in January 2015) indicate that the number of pupils on roll will decrease to 67 during the next 5 years. QUEGS has a current net capacity of 1384 pupils and currently has 1301 pupils. The latest projections (updated in January 2015) indicate that the number of pupils on roll will decrease to 1196 during the next 5 years.

Previously, the County Council has advised that development coming forward in the area via approved planning applications and proposed site allocations in the emerging Local Plan would mean insufficient capacity at the normal area secondary school. However, the Local Plan has now been withdrawn thereby removing proposed allocations from this analysis.

Based on the most recent projections of current and future pupil numbers, the County Council can advise that there would be sufficient capacity to accommodate pupils from approved planning applications and this proposed development at the normal area schools. Therefore the County Council is not requesting a financial contribution towards education.

Adult Care:

The County's population is getting older, and new residential development should be appropriately designed to Lifetime Homes standards, as set out in the Government's 'Lifetime Homes, Lifetime Neighbourhoods; A National Strategy for Housing in an Ageing Society'.

Local Authority Collected Waste:

New residential development will place additional pressure on waste management services. Having assessed the demand the proposed development would have on the nearest Household Waste Recycling Centre at Ashbourne, it is the case that this

currently has surplus capacity and a financial contribution towards additional waste management capacity is not required.

Broadband:

The County Council provide information on broadband infrastructure. The Digital Derbyshire programme is providing access to high speed broadband services for residential and business users. It is recommended that an advisory note regarding broadband is attached to the decision notice should the development be approved, for the developer to research how broadband may be provided.

Other Strategic Infrastructure Provided by our Partners

Public Health:

Where extensions to existing practices are required, Derbyshire Clinical Commissioning Groups may seek financial contributions from developments of 5 or more dwellings.

Derbyshire Fire and Rescue Service:

It is vitally important that new housing is well designed and addresses safety and the needs of vulnerable people. Domestic sprinkler systems are exceptionally effective through their ability to control a fire and help prevent loss of life. As a minimum, new residential development should incorporate a 32mm mains water riser which will enable the installation of domestic sprinkler systems, and ideally should incorporate the sprinkler systems themselves. The cost of installing a domestic sprinkler system is approximately £1500. Derbyshire Fire and Rescue Service should be consulted on this application so that it can advise on the implications of this proposal for fire safety and the potential for the installation of 32mm mains water risers and sprinkler systems.

REPRESENTATIONS:

14 letters of objection have been received, which may be summarised as follows:-

- Development here is not in keeping with the village. The character of the village will be spoilt.
- Plans have already been approved for a large amount of housing in the village and there is a danger that Brailsford as a village could be ruined by further development.
- 13 houses is far too many and not sustainable give the 20% increase in size of the village (resulting from 50 houses due to be built on Luke Lane).
- The application is outside the currently agreed Settlement Framework boundary.
- The proposed development is outside the current building line and is green belt land.
- Object to rural green field development
- Planning officers visited Brailsford to discuss proposed houses / school in Brailsford and residents were told that the proposed site is outside the village boundary and would not be built on.
- The field has never had any development on it, or proposed on it, as it was not included in the Brailsford Village Envelope for Development
- It was always stated that there should be no development beyond the village garage (at the other end of the field).
- Why should Brailsford as a village be spoilt for generations to come?
- The visual impact of the proposed development is important as it is the first view of the built area from the village that is encountered when approaching the village from the east on the A52.

- The proposed houses are unlikely to be affordable for local people or for the elderly who want to downsize.
- An affordable housing contribution must be made towards housing that is built in the village and it must be guaranteed to proceed at the same time as the development
- There are few jobs available in the village so people buying the new homes will have to commute to Derby, Ashbourne or further afield.
- The Design and Access Statement attaches great weight to a presumption in favour of sustainable development set out in the NPPF particularly where there is an absent or out of date Local Plan or here the LPA are unable to demonstrate a 5 year supply of housing. This Framework is clear that this should only apply where proposals accord with other policies (in the Framework) and any adverse impact of the proposed development will not outweigh the respective benefits. The proposal is an outline with an illustrative layout (13 properties) the Design and Access Statement attaches significant weight to this layout. The applicants nor their agents have engaged with the local community (recommended by paragraph 66 of the NPPF) and have not approached our business (Funeral Directors) to discuss the impact of their proposals.
- The development is contrary to policies in the Derbyshire Dales Local Plan (2005) (SF4 and NBE8) and guidance in the NPPF.
- Reference is made by the agent to 'extensive master-planning process' and to comments from County Highways and changes to the plans which include the removal of a wooded area between our property (funeral directors) and Hall Lane and the replacement of an access on Hall Lane with one on the A52. This seems to contradict the statement at paragraph 6.26 which states that the wooded area to the east of the site will be retained and provide screening. Clarification would be welcomed. Nevertheless if the proposal is granted this would result in the loss of important area of open space which lies outside the village envelope and contributes to the visual amenity and setting of the village.
- Paragraphs in the NPPF refer to good design which is a key aspect of sustainable development. The illustrative layout is not in keeping with the local vernacular of Brailsford which has very few buildings fronting directly onto the Main Road.
- The design is poor and has been carried out to maximise the number of dwellings on the site.
- Parking to the rear is outdated and less attractive to purchasers and results in a cramped design with large areas of hard standing.
- This is outline but the initial layout is totally out of keeping with the whole layout of Brailsford. A line of house along the roadside, alters the whole look of the village.
- The plans do not complement the neighbouring buildings and area, in particular the scale and proportion of surrounding buildings.
- Layout is too dense with small back gardens and non-existent front gardens.
- Open space, woodland and green space are essential to village continuity and character which is currently open, rural and undeveloped.
- Hedgerow will be lost and there will be pressure to remove it.
- The roadside hedge is a mature hedge housing many birds year after year. The field has birds and rabbits including the unusual black rabbits.
- The proposed development could impact on a local habitat used by Great Crested Newts.
- There is a public right of way which will be affected.
- This site was once designated in the Local Plan as an important open space. This gives the village its identity.
- This is an area of open space overlooking surrounding countryside
- There is very little remaining land for landscaping.

- The proposed new primary school only has capacity for 120 pupils.
- The school will not be able to cope with more pupils
- There will be more strain on the surgery, school and the village hall.
- It already takes 2 weeks to get an appointment at the medical centre.
- Development here could have a bad effect on the businesses that are next to the site – public house, garage, funeral directors etc.
- The plans which accompany the application do not accurately reflect the true position of buildings on site and additional buildings which have the benefit of extant planning permissions. The proposed dwellings are very close to existing buildings and structures.
- Our business also makes coffins on site and we have plans to erect an additional building for a new workshop/store (shortly to be the subject of a planning application).
- It is an invasion of privacy to neighbouring properties, particularly the funeral directors.
- The private and quiet surroundings to the funeral directors would be destroyed
- The proposal appears to enclose W. Jones and Son premises on two sides. Although a green corridor is proposed on one side this would appear to be only approx. 10metres.
- Only half the site should be considered for development i.e. that nearest to Brailsford garage
- There should be a Condition that no development be allowed whilst the Funeral Directors business operates in its current location.
- Whilst it is understood that nobody is entitled to a view, we do look out over the field and adjoining golf course, with 13 houses in the field, we would see nothing at all.
- The funeral premises is a long established business and is a sensitive one. The position is ideal as it provides privacy for clients and the general public. Concerned that complaints may arise from people being able to see the deceased being moved about and coffins / hearses. The business is 24hour, 7 days a week and there are vehicles in and out at all hours. The position and outlook of the premises are extremely important and clients come to here from outside the area because of the setting and outlook.
- Businesses around the site will be badly affected by the proposal- they may be criticised for noise and the golf course will be bombarded by complaints about golf balls.
- There will be complaints from the new houses about the smell of petrol from the garage, the late night exodus from the public house; golf balls from the golf club, hearses and coffins being seen.
- It should be a planning requirement that no windows on the houses overlook the funeral directors to the east and screening provided to avoid visibility of the activities there.
- More housing will create traffic problems on an already busy road. It is a dangerous stretch of road, where several accidents have occurred and it will become more dangerous.
- Accessibility and parking is an issue. Access to Acorn House from the busy A52 is already a concern to pedestrians, cyclists and vehicular movements, with the additional contention of a bus stop outside the entrance.
- Properties in this location are likely to be prone to severe noise and vibration from the nearby road.
- There are problems on the A52 with drainage after heavy/prolonged rain and areas near the garage and bus lay by flood quite badly.

- The surface drainage system needs to take account of the consequences of this development. Severn Trent insists that the developer would need Severn Trent to carry out a modelling exercise and the results need to be available before the final planning decision made.
- Extra refuse created by the development is a concern. The site backs onto the stream and this could be polluted and vermin could be attracted leading to health concerns.
- Questions where vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconvenience to neighbours.
- There is a mains gas pipe running through the centre of the field which connects to the golf club and my house, which would cause major disruption.
- The applicants should be encouraged to promote proposals through the Local Plan Review Process in order that the merits of the site may be properly assessed against alternative development sites in other parts of the village.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF4:	Development in the Countryside
SF5:	Design and Appearance of Development
SF7:	Waste Management and Recycling
H4:	Housing Development outside Settlement Framework Boundaries
H9:	Design and Appearance of New Housing
H13:	Affordable Housing Exceptional Sites In rural Areas
NBE4:	Protecting Features or Areas Of importance To Wild Flora and Fauna
NBE5:	Development Affecting Species Protected by law Or Are Nationally Rare
NBE7:	Features Important In the Landscape
NBE8:	Landscape Character
NBE12:	Foul Sewage
NBE24:	Archaeological Sites and Heritage Features
NBE26:	Landscape Design in Association with New Development
NBE27:	Crime Prevention
TR1:	Access Requirements and the Impact of New Development
TR8:	Parking Requirements for New Development
CS8:	Provision of Community Infrastructure

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

Landscape Character and Design Supplementary Planning Document (July 2007)

ISSUES:

1. Planning Policy Context

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 Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the NPPF.

The National Planning Policy Framework (NPPF) was published in March 2012. Whilst the Framework does not change the statutory status of the development plan as the starting point for decision-making (Paragraph 12), in accordance with Paragraph 212 the policies contained within the Framework are material considerations which must be taken into account.

Paragraph 214 of the Framework gave full weight to existing plan policies for 12 months from March 2012. Paragraph 215 advises that beyond the end of March 2013, due weight should still be given to relevant policies in existing plans according to their 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). The current application therefore needs to be determined having regard to Paragraph 215 advice.

Paragraph 14 advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date Local Plan; and also in circumstances where the development plan is absent, silent or relevant policies are out-of-date granting 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.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.

The calculation of the five year supply figure for housing in the current circumstances has to be based on the Council objectively assessed needs. The Council sought to promote a local plan on a figure of 4400 in summer 2014 but were forced into withdrawing that plan because the Inspector who chaired the first two days of the examination in public concluded that this figure did not actually reflect the objectively assessed need which he concluded was in the region of 6500 and the Council had not fully demonstrated why this or a higher figure could not be met through available sites and/ or cooperation with neighbouring authorities. Until the Council are able to fully justify an alternative figure any calculation of five year supply in the interim has to be based on this OAN figure of 6500. The Council even allowing for the recent granting of Asker lane in Matlock and on the assumption that Ashbourne Airfield will be issued as a decision cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

The Adopted Local Plan

Policies SF4 and H4 of the Local Plan deal with settlement frameworks and development in the countryside. It is important to reflect on how these sit with the NPPF, what conclusions Planning Inspectors have reached on their applicability and how this impacts on the planning balance.

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were well short of being able to demonstrate a 5 year housing land supply and this remains the case.

The Inspector concluded that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.

The other local plan policies quoted above remain largely in tune with the aims of the NPPF and as such can continue to carry weight in decision making.

The National Planning Policy Framework and Paragraph 14

In accordance with the above and in the absence of a 5 year supply of deliverable housing sites the NPPF directs decision making on planning applications to the guidance in paragraph 14.

It states: -

For decision taking this means:

- Approving development proposals that accord 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 so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - Specific policies of the Framework indicate that the development should be restricted.

The decision taker is effectively asked to weigh the economic, social and environmental benefits and disbenefits against one another and only where those disbenefits significantly and demonstrably outweigh the benefits reject the scheme.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

Hence these three dimensions must be weighed in the balance, both in terms of benefits and disbenefits and only where any disbenefits significantly outweigh the benefits should planning permission be refused.

The remainder of this report will analyse the scheme against this policy requirement.

2. Site Considerations

Having outlined the relevant planning policy context, it is necessary to evaluate the submitted scheme having regard to the following matters:

- i. The sustainability of housing in this locality
 - ii. The impact of development on the character and appearance of the area.
 - iii. Impact on amenity of adjoining residents
 - iv. Provision of affordable housing
 - v. The impact on archaeology
 - vi. Highway / pedestrian safety
 - vii. Provision of infrastructure through developer contributions
 - viii. Drainage
 - ix. Impact of flora and fauna
 - x. Open Space
-
- i. The sustainability of housing in this locality
The site in question lies adjacent to, and immediately to the east of, the Settlement Framework Boundary for Brailsford. The village is one of a number of 'Other Settlements' that were identified in the Adopted Local Plan within which housing development, in principle, could be supported (subject to a 33% affordable housing requirement). Clearly, sites which lie beyond Settlement Frameworks are required in order to meet the 5 year housing supply, and with the site being within close walking distance of the village amenities i.e. school, shop etc., it is considered to be in a sustainable location for the purposes of the NPPF.
 - ii. The impact of development on the character and appearance of the area.
The indicative layout illustrates most of the proposed dwellings facing towards the A52. The village has a variety of dwelling types which vary in how they relate to the Main Road. There are numerous existing properties that are sited up to the back of the footway or are slightly set back from the footway, similar to the proposed indicative dwelling layout. Some moderate adverse impact would occur given the loss of the field and the contribution it makes to the setting of the village, but this is not considered to be an overriding dis-benefit, given the need for new housing. That said, it would be appropriate to retain as much of the existing hedgerow and trees as possible and for new planting to be included in any detailed proposals.
 - iii. Impact on amenity of adjoining residents
With the site being opposite to the public house and adjacent to a commercial garage premises, the only adjacent property is the dwelling at Willow Meadow Cottage, which is also the funeral directors premises, to the east. However, the closest dwelling on the indicative layout is some 14m away from the cottages west facing elevation. As such any impact on light, based on the position of the sun, would not be excessive due to its setting in the west. Any issues of privacy may, where necessary, be addressed via any detailed / reserved matters planning submission.
 - iv. Provision of affordable housing
The Councils Head of Housing considers an off-site financial contribution towards the provision of affordable housing to be acceptable. This will be secured by a Section 106 Obligation should committee be minded to approve the application.
 - v. The impact on archaeology

It can be seen from the comments of the Development Control Archaeologist that the proposal site does not appear to have had a historic link to the Hall, it lies outside the park boundary on the historic maps.

It is advised that the site is unlikely to be of archaeological significance and there is therefore no requirement for any archaeological requirements to be placed upon the applicant.

vi. Highway / pedestrian safety

It may be seen from the Highway Authority's comments that although this is an outline planning application, with all matters reserved for subsequent approval, they have commented on the access as shown on the indicative layout - Design Guidance is referred to together with procedural advice. They confirm that based upon the imposed speed limit, acceptable visibility sightlines can be achieved from the point of access.

Subject to a number of appropriate conditions being imposed and advisory notes provided for the applicant's attention, the Highway Authority has no objections to the application.

vii. Provision of infrastructure through developer contributions

It is the case that the Education Authority is not requiring any financial contributions towards primary and secondary school places. The comments provided in their consultation response may be appended to the planning decision notice as informatives.

viii. Drainage

The comments from the County Councils Flood risk Management Team are noted in respect to the unlikely event of surface water flooding. The watercourse referred to for a Flood risk Assessment is a small ditch which is stated to be dry for most of the year. The FRM team has subsequently confirmed that an assessment may be dealt with by a planning condition.

ix. Impact of flora and fauna

The proposed development has been assessed by Derbyshire Wildlife Trust with comments in respect to bats, newts and loss of hedgerow. The applicant has confirmed in the revised indicative layout that the on-site trees are to be retained which avoids the need for a bat survey. A planning condition may be imposed to both protected retained vegetation and require compensatory hedgerow planting. The addition survey work in respect to great crested newts concludes that there will be no harm to great crested newts. (Any further comments/ conditions/ guidance notes from Derbyshire Wildlife Trust will be reported to the Committee meeting).

x. Open space

Policy L6 of the Adopted Derbyshire Dales Local Plan (2005) advises that residential development on sites of 0.4 hectares or more will only be granted where appropriate levels of on-site space are provided commensurate with the size and scale of the development. Where it is considered not be feasible for this an off-site contribution may be considered. As this site is only 0.16h over the 0.4h trigger it is not considered appropriate to seek on-site provision. It is also the case that a public footpath link is being proposed through the site, although this may lead to third party

land. Hence, if a contribution is considered to be appropriate this may be secured within the Section 106 Obligation.

Conclusion

Based on the above considerations it would appear that residential development on this site may be supported subject to relevant conditions being imposed and the applicant entering into a S106 Agreement to secure a relevant affordable housing contribution and any other matters that planning conditions cannot secure. The site is immediately adjacent to the Brailsford Settlement Framework Boundary and is considered to be a sustainable location. Whilst there will be some limited adverse impact, and the concerns of the parish council, residents and the operators of the adjacent funeral directors business are appreciated, no overriding reasons exist to suggest that a refusal of outline planning permission is appropriate.

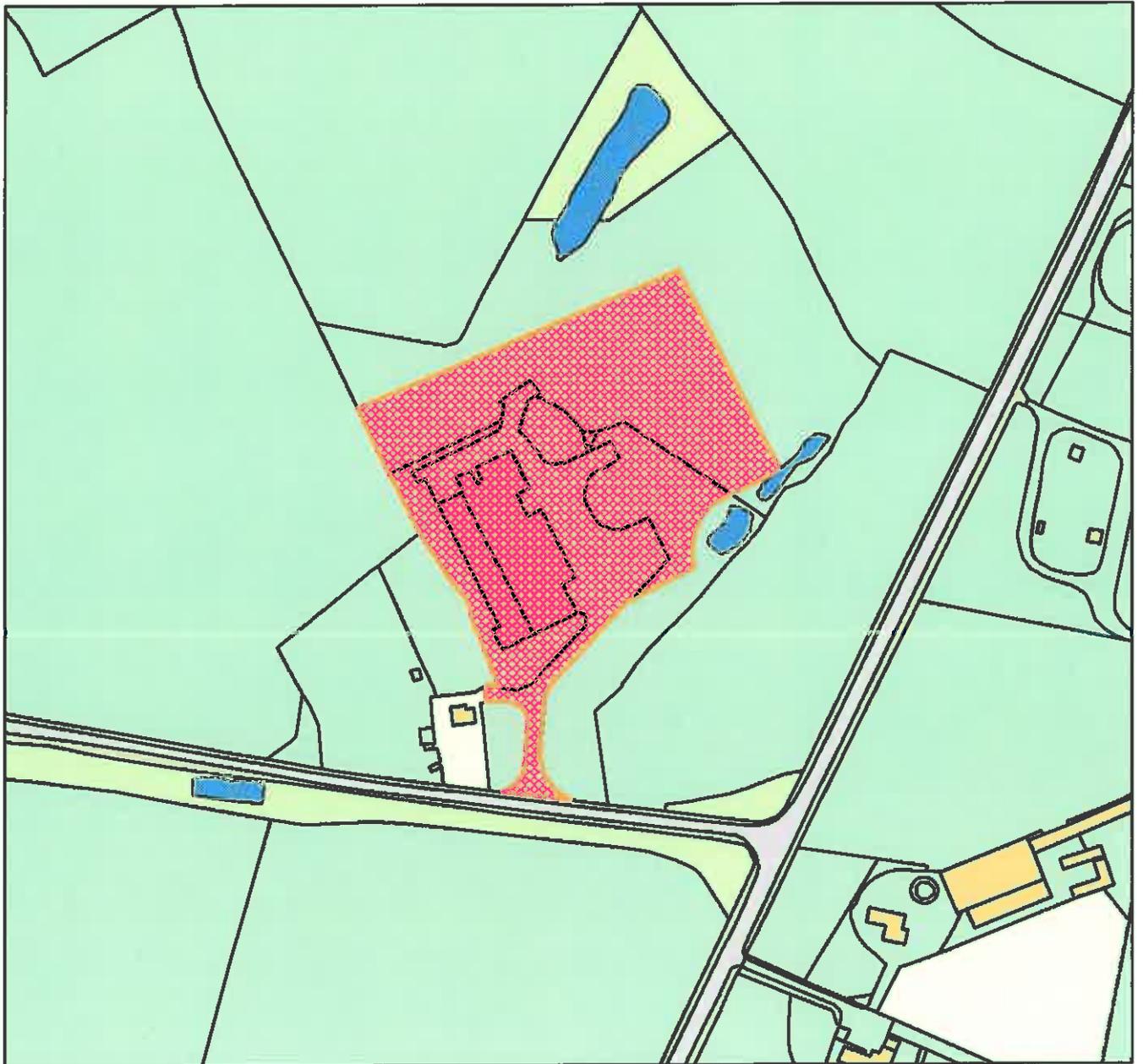
OFFICER RECOMMENDATION:

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

1. Duration of consent
2. Submission of Reserved Matters
3. Amended Plans
4. Highway safety and related conditions
5. Tree and hedgerow retention and protection
6. Compensatory hedge planting
7. Investigation of flood risk
8. Works not to be carried out during bird nesting season unless ecological assessment done beforehand.
9. Design details to incorporate sustainable drainage system

15/00397/FUL

Moypark Hatchery, Cockshead Lane, Snelston



Derbyshire Dales DC

1:2,500

Date: 31/07/2015

100019785

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**15/00397/FUL EXTENSION TO HATCHERY BUILDING AT MOYPARK HATCHERY,
COCKSHEAD LANE, SNELSTON**

Parish Council: Snelston
Application type: Full

Date of receipt: 10.06.15
Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:

The application relates to an existing hatchery operation situated off the A515 to the south of Ashbourne. The site is located within a reasonably flat landscape area with hedge screening with some tree planting. The site is to the west of the Darley Moor Airfield and is accessed from Cockshead Lane located just off the A515.

THE APPLICATION:

Planning permission is sought to extend the existing hatchery building with an extension measuring approximately 73m by 40m. The proposed extension would more than double the size of the existing building. The proposed extension will provide the following internal accommodation:

Egg cold storage room
4 x 6 no. pro 5 hatchers
3 x 5 no. pro 6 plus 2 no. pro 3 setters
5 no. pro 6 setters
Chick processing room
Clean dispatch basket store
Hatch basket wash room
Chick holding room
Dispatch basket washroom
Dirty dispatch basket store
Chick dispatch

Staff facilities including: rest room, changing, WC, lift, laundry, office and reception and on the first floor a canteen, WC's office and bedsit with kitchenette and lounge/bedroom.

The proposed extension will be 0.5m higher than the existing building on site and it is intended that the majority of the extension will be in facing brick to match the existing with cladding to the upper level of the building to match the existing building and to match the roofing material.

To the staff facilities to the buildings frontage a glazing system is proposed with an elevated roof element at this point of the elevation to give improved internal accommodation. It is proposed that blue engineering brick will be used to the lower level of this element with colour coated panels above between the glazed areas.

Also proposed are:

Water storage tank
Sprinkler tank
Water treatment tank
Smoking shelter
Gas cylinders on concrete base
Transformer housing (details to be confirmed)
Removal of chiller units and construction of extension to this element with new roof
Relocation area for new chillers
Provision of 40 parking spaces

15/00397/FUL (Continued)

New area of hardstanding and lorry turning area

As the proposal will lead to the loss of some existing planting new landscaping is proposed

Egg receiving bay extension

Vehicle wash and waste storage area

A supporting statement has been submitted with the application, the key points of which note that:

- Moy Park is one of Europe's leading poultry companies and over the UK employs over 10,600 staff.
- Fertilised eggs are delivered to the hatchery, once delivered they are kept in a controlled environment until hatching. Once hatched the chicks are dispatched to farms to grow and then are returned to the Moy Park factory in Ashbourne for processing.
- The expansion of the hatchery will change the way they grow and distribute poultry enabling the business to grow.
- The extension will reduce the road miles required for transporting chicks.
- An increase in chicks supplied to local farms will increase the number of birds that can then be supplied to the factory in Ashbourne.
- The increase in height of the extension over the existing is to incorporate operational equipment
- A bedsit will be provided as ancillary to the hatchery
- The proposal will lead to 22 additional vehicle movements to and from the site but the trips will be shorter delivering locally
- An additional 20 jobs will be created, hopefully increasing to 50 over 12-18 months
- Impact on ecology has been assessed and found to have little impact
- A report regarding great crested newts has been provided and concludes that it is unlikely there are great crested newts within the immediate vicinity of the site
- The proposal complies with local and national planning policy

RELEVANT HISTORY:

DDD/0396/0190 Extension to hatchery – Permitted with conditions

WED/1188/0878 Dwelling – Permitted with conditions

WED/0587/0340 Alterations to house and erection of hatchery – Permitted with conditions
(Cladding colour 18B25 approved - dark grey)

WED/0287/0088 Hatchery and managers house - Refused

CONSULTATIONS:

Parish Council – No response received at time of report preparation

Local Highway Authority – No response received at the time of report preparation

Derbyshire Wildlife Trust – The application includes a Great Crested Newt Survey of nearby ponds. This has been done to an acceptable standard. In the absence of any evidence of newts revealed raise no objections to the scheme.

DDDC Environmental Health – Environmental Health have not received any complaints about the hatchery operation in the past. The nature of it is such that there is a quick turnaround of birds and limited waste issues. Would recommend that a condition is

15/00397/FUL (Continued)

imposed to ensure it remains a hatchery and not changes into another related use such as Broiler cabins.

Peak and Northern Footpaths – No objection. It is proposed to reinforce the existing planting to screen the site, I hope this will include strengthening the hedge between the south-western boundary of the site and the public footpath number 17 Snelston.

Derbyshire Dales Ramblers – No objection provided that footpath no. 17 is not closed or obstructed during or after the construction

Environment Agency – No objection in principle, recommend condition and footnotes

REPRESENTATIONS:

None

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF4: Development In The Countryside

SF5: Design And Appearance Of Development

EDT7: Extension And Expansion Of Existing Industrial And Business Land And Premises

EDT8: Design And Appearance Of New Industrial And Business Premises

EDT13: Buildings Associated With Agricultural Forestry Or Other Rural Based Enterprise

NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare

NBE8: Landscape Character

NBE26: Landscaping 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

National Planning Practice Guidance

ISSUES:

The issues for consideration are the principle of the expansion of an existing rural business, the impact upon landscape character and appearance, the impact upon the environment and ecology, impacts upon amenity and the impact upon highway safety.

Policy Principle

Policy SF4 of the Adopted Derbyshire Dales Local Plan allows for the expansion of existing rural building provided the proposals are of an appropriate nature, minimise impacts upon the environment and preserve or enhance the appearance of the countryside. Policies EDT7, EDT8 and EDT13 of the Adopted Derbyshire Dales Local Plan reiterate this view.

Part 3 of the National Planning Policy Framework supports the sustainable expansion of rural businesses. This business not only employs a substantial number of people directly but also supports substantial employment in chicken production across the authority area.. In considering sustainability there are elements to be weighed in the balance.

The economic role:

In this case whilst the development is some distance from a settlement this is necessary given the impact the development may have upon amenity. The proposed business will contribute positively to the rural economy delivering new jobs and promoting local farming.

The site is also located in close proximity to the highway network which is required for the distribution side of the operation.

The social role:

The provision of jobs meets with the social role of sustainability.

The environmental role:

Due to the level nature of the landscape in this location the proposal will have minimal visual impact over and above the existing building which can be mitigated against to a degree by landscaping of the site.

Therefore the proposal is considered to meet the aims of sustainable development as it is a rural business which is necessarily located on a relatively isolated site where it will not have an adverse impact in terms of the landscape character and amenity. The economic benefits of this case are considerable and the proposal is considered to be an acceptable expansion of a sustainable rural business meeting the requirements of Part 3 and the core principles of the Framework.

Landscape character and appearance

The design and materials of the building are largely a reflection of what already exists on site and are considered to be acceptable. The existing building is located within a relatively flat landscape area with some hedge and tree planting in the locality, which to an extent, mitigates against its visual impact. It is considered that the extension of the building, although marginally higher than the existing, will not have any further significant visual impact. It is reasonable to impose a condition requiring further landscaping of the site which will further mitigate against the scale of the building. It is therefore considered that the proposal will preserve the character and appearance of the landscape subject to further landscaping of the site. The proposal therefore meets the requirement of national and local policy in regard to landscape impact.

Environmental impacts

No detail has been provided regarding where waste water will be disposed of, therefore a condition is required by the Environment Agency for the a scheme to manage surface water quality in order to prevent any deterioration of protected areas. Subject to this condition the proposal is considered to be acceptable in terms of environmental impacts.

Ecology

With regard to ecology the applicant's agent has provided a survey considering the presence of Great Crested Newts. The conclusion of this report notes that given the habitat and survey work it is unlikely that there would be any such species within the immediate vicinity of the site. Derbyshire Wildlife Trust have reviewed the information and consider it to be an appropriate survey. In the absence of any presence of newts they raise no objection to the scheme.

Amenity

As the existing facility is located at some distance from any neighbouring properties whether residential or otherwise, it is considered that the proposal will not have any adverse impact upon amenity. The Council's Environmental Health team have not received any complaints regarding the site and merely suggest that the use of the site be controlled to allow the Local Planning Authority control over any future changes of use, a condition can be imposed in this regard.

Highway safety

In terms of highway safety the existing access has good visibility and is close to the main road network. The proposal will result in an increase of vehicle trips to and from the site. As the Highway Authority have not yet responded to the application their comments on matters of highway safety will be updated to the Members at the committee meeting, however it is not anticipated that they will raise any concerns in principle about expanding this existing facility.

Conclusion

The proposal is considered to be an appropriate expansion of a rural enterprise that is supported by national and local planning policy. The creation of new jobs and the contribution of this economically and socially to the rural community is a significant benefit of the scheme. Landscape impact will be minimal and further mitigated against through a landscaping condition. Subject to conditions as detailed above the proposal is considered to be acceptable in accordance with the Policies of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

OFFICER RECOMMENDATION:

To grant planning permission subject to the following conditions:

1. Condition ST02a
2. No goods, refuse, plant, machinery or packing materials shall be stored outside the confines of the building.
3. The development hereby permitted shall not be commenced until such time as a scheme to manage surface water quality has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved, and include the following details:
 - i. Dispose of surface water
 - ii. Roof drainage – sealed at ground level
 - iii. Waste water from vehicle wash facility
4. Prior to the commencement of development details including samples where necessary of the following elements shall be submitted to and approved in writing by the Local Planning Authority.
 - Detail of the cladding to the glazed element
 - Detail of the framing to the glazed element
 - Detail of the engineering brick
 - Details of the cladding to the walls and roofWorks shall be completed in accordance with the agreed details.
5. Condition PD13: Restriction within use class (add in Hatchery)
6. Details of the relocated chiller area shall be submitted to and agreed in writing by the Local Planning Authority prior to works on this element taking place. Works shall be completed in accordance with the agreed details.
7. Condition LA12a: approval of landscaping scheme (delete g, l, j, l, m and n)
8. Condition LA13a: landscaping to be carried out and maintained

Reasons:

1. Reason ST02a
2. To preserve the amenity of the area
3. River basin management requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of a protected area.
4. To ensure an appropriate finished form of development in accordance with Policies SF5 and EDT8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
5. In order to ensure the Local Planning Authority retains control over the future use of the premises which may otherwise be considered inappropriate in this rural location in accordance with Policy SF4 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
6. To ensure an appropriate finished form of development in accordance with Policies SF5 and EDT8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
7. Reason LA12a: policies SF5, EDT7, EDT8, EDT13 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
8. Reason LA13a: policies SF5, EDT7, EDT8, EDT13 and NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Footnotes:

1. An additional water treatment tank will be required as part of this development which will in turn increase the discharge to the local watercourse. I have already provided the pre-application advice required for the variation of the existing permit for this activity to the Operator and this is being processed alongside this planning application.

Section 2.15 of the Design & Access Statement states 'both the waste skip and water tank require flow and return pipe work into and out of the building... this pipe work needs to be exposed.' This should be flagged as good practice as this allows early warning of any potential issues that could lead to pollution from such systems.

2. 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 problems with the application and consent was granted without negotiation.
3. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

(SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

4. This decision notice relates to the following documents:

Planning statement received 10.06.15

Site location plan received 10.06.15

Proposed site layout B23/05 D received 22.06.15

Existing site plan B23/01

Proposed elevations B23/04 C received 10.06.15

Proposed layout B23/03 D received 22.06.15

Existing layout and elevations B23/02 A received 22.06.15

Design and access statement received 10.06.15

Skyline ecology Great Crested newt Survey received 10.06.15

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 11TH AUGUST 2015

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
13/00818/FUL	Bradley Nook Farm, Hulland Ward	WR	Appeal being processed
14/00801/FUL	Keepers Field, Bullhill Lane, Ireton Wood	WR	Appeal being processed
ENF/14/00082	Keepers Field, Bullhill Lane, 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
15/00086/FUL	35 The Green Road, Ashbourne	WR	Appeal being processed
15/00141/FUL	Halfway House, Clifton Road, Clifton	WR	Appeal being processed
14/00354/OUT	Leys Farm, Wyaston Road, Ashbourne	PI	Appeal being processed
14/00771/PDA	Chapel Farm, Hollington	WR	Appeal being processed
13/00565/FUL	Barn at Riggs Lane, Marston Montgomery	WR	Appeal being processed
15/00048/FUL	Land east of Glebe Farm, Doveridge	WR	Appeal being processed
14/00073/VCOND	Crowtrees, Thurvaston Lane, Longford	WR	Appeal being processed
Central			
14/00704/FUL	25 Cavendish Road, Matlock	HH	Appeal being processed
T/14/00138/TPO	Beech Hurst, 228 Dale Road, Matlock Bath	WR	Appeal being processed

14/00652/OUT	Land south of Rowan House, Hopton	WR	Appeal dismissed – a copy of appeal decision attached
14/00546/PDA	Spite Winter Farm, Oakerthorpe Road, Bolehill	WR	Appeal allowed – a copy of appeal decision attached
14/00810/ADV	Land at Bakewell Road, Matlock	WR	Appeal dismissed – a copy of appeal decision attached
14/00883/FUL	37 Northwood Lane, Darley Dale	HH	Appeal allowed – a copy of appeal decision attached
14/00617/FUL	The Woodyard, Homesford, Whatstandwell	WR	Appeal being processed

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

OFFICER RECOMMENDATION:

That the report be noted.

Appeal Decision

Site visit made on 23 June 2015

by **P Willows BA DipUED MRTPI**

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

Decision date: 24 July 2015

Appeal Ref: APP/P1045/W/15/3005093

Land south of Rowan House, Hopton, Wirksworth, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hopton Locpack Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref 14/00652/OUT, dated 26 September 2014, was refused by notice dated 24 November 2014.
 - The proposal is the development of 2 detached houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application seeks outline planning permission, with all matters other than the access reserved for future consideration. Accordingly, I have treated Drawing No 8025-01B as illustrative insofar as it shows the siting of the proposed dwellings.
3. The Council is unable to demonstrate an adequate supply of housing land, as required by the National Planning Policy Framework (the Framework)¹. Consequently, in accordance with Paragraph 14 of the Framework, I have approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area and the setting of the Carsington and Hopton Conservation Area; and
 - whether the proposal would be sustainable development.

¹ See Para 47

Reasons

Character and appearance and the conservation area

5. Hopton is a small settlement, with dwellings loosely grouped along the road to neighbouring Carsington. The appeal site is paddock land situated behind existing dwellings and is contained by woodland to the south. The land is served by an existing access, which also serves 3 dwellings created from former farm buildings.
6. The appeal site is countryside, both in terms of its appearance and function, and was being used for grazing sheep when I saw it. Building two detached houses on the land and creating two large gardens would fundamentally change its character and result in the loss of a small area of countryside. Change is not necessarily a bad thing, but here the countryside performs an important role in creating the setting for Hopton. Despite the trees to the south, the immediate setting of the village is largely formed by more open land such as the appeal site, and this is important to its character.
7. The main built up part of Hopton (to the extent that such a loose-knit settlement can be described as 'built up') is within the Carsington and Hopton Conservation Area. The conservation area appraisal of 2009 says, *'The villages of Carsington and Hopton were laid out in a planned form during the medieval period and have changed very little since then. They follow a linear form – properties line either side of a main street, with crofts (parcels of land mainly for keeping a few livestock) located mainly at their rear'*.
8. In fact, the picture is a little more complex than that, with some small clusters of buildings and some significant gaps. Nevertheless, the prevailing character is of buildings broadly following the line of the road, contained within a setting of paddocks and fields to the rear. While many buildings are set back from the road, the appeal site lies substantially further from the road than is the norm and its development for houses would erode the character of the village. Accordingly, the setting of the conservation area, which lies just to the north of the site of the proposed houses, would be materially harmed by the development.
9. I accept that public views of the site are limited and that the houses would not be seen from the village road. However, there would be private views from nearby land and houses. Moreover, although the trees to the south are an effective screen when in full leaf, there would be likely to be views through to the development from the bypass to the south in the winter, as the Council has indicated.
10. For these reasons I conclude that the development would harm the character and appearance of the area and the setting of the conservation area. This brings it into conflict with policies SF4 (development in the countryside), SF5 (design and appearance of development) and NBE21 (development affecting a conservation area) of the Derbyshire Dales Local Plan.
11. The Framework says at Paragraph 132, *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within*

its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

12. The conservation area is a designated heritage asset. The significance of the conservation area would be harmed by the development proposed within its setting, for the reasons I have outlined. The extent of that harm would be less than the 'substantial harm' referred to in Paragraph 133 of the Framework. Accordingly, Paragraph 134 applies. This says, '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use*'. I consider the public benefits of the scheme later.

Sustainability

13. The Framework advises that there are three dimensions to sustainable development: economic, social and environmental.
14. Dealing first with the economic dimension, there would be the inevitable economic activity and jobs to be associated with the building of any houses, but I have no reason to suppose that there is any particular economic need for housing development in Hopton.
15. The creation of two new homes would contribute to the social role of sustainable development, particularly in the context of the shortage of housing land in the district. However, the Framework refers to the need for accessible local services, and Hopton lacks the shops and services needed for day-to-day life. Although nearby Carsington has a school, church and pub, the residents of either settlement would clearly need to travel to nearby towns such as Wirksworth on a regular basis. This limits the weight I attach to the social dimension of the scheme.
16. The lack of local services would also lead to an increased need to travel. Although a bus runs through Hopton, the service is limited and residents are therefore likely to rely heavily on their cars. The development would therefore fail the objective of moving to a low carbon economy. I have already concluded that the development would harm the character and appearance of the area and the setting of the conservation area. Accordingly, it would have a negative effect in terms of the environmental role of sustainability.
17. Having considered the question of sustainability overall, I conclude that the scheme would not be sustainable development. Consequently, the advice within the Government's Planning Practice Guidance (PPG) that all settlements can play a role in delivering sustainable development in rural areas² does not apply. The presumption in favour of sustainable development, as outlined in the Framework, must also be seen in this context.

Benefits of the scheme and other matters

18. The provision of two new homes is a public benefit of the scheme, and must be seen in the context of the need to significantly boost the supply of housing³ and the lack of housing land in Derbyshire Dales. However, as I have already

² Para 50-001-20140306

³ Framework Para 47

indicated, the weight I attach to this is reduced because of the lack of local services.

19. The appellant advises that highway constraints will prevent further development of adjoining land, but I have concluded that this development would be harmful in its own right. While I agree with the appellant that the development would not result in isolated homes of the kind referred to in Paragraph 55 of the Framework, that does not change my concerns regarding the scheme.
20. I have noted the recent development of 3 holiday cottages on nearby land to the west of the site. On the face of it, that land is comparable with the appeal site in terms of its relationship to the settlement. Nevertheless, it does not alter the prevailing character of the settlement, as I have described it. Moreover, I have no details regarding the circumstances surrounding that development. Accordingly, I am unable to reach any conclusion that the Council has been inconsistent in its approach to development in Hopton.

Conclusion

21. While the Framework recognises the need to provide new homes, it also places clear emphasis on the need to protect local character and heritage assets, including their setting, and on the need for sustainable development. In my view, having regard to Paragraph 14 of the Framework, the adverse impacts of allowing the development proposed here, as outlined above, would significantly and demonstrably outweigh the benefits. Furthermore, the public benefits of the scheme do not outweigh the harm to the setting of the conservation area, which gives rise to conflict with Paragraph 134 of the Framework. I therefore conclude that the appeal should be dismissed.

Peter Willows

INSPECTOR



29 JUL 2015

Appeal Decision

Site visit made on 16 June 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

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

Decision date: 28 July 2015

Appeal Ref: **APP/P1045/W/15/3005984**

Spite Winter Farm, Oakerthorpe Road, Bolehill, Matlock DE4 4GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Richard Bowler against the decision of Derbyshire Dales District Council.
- The application Ref 14/00546/PDA, received by the Council on 18 August 2014, was refused by notice dated 9 October 2014.
- The development proposed is the change of use of an agricultural building to a dwellinghouse.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") for the change of use of an agricultural building to a dwellinghouse at Spite Winter Farm, Oakerthorpe Road, Bolehill, Matlock DE4 4GP in accordance with the details submitted pursuant to Schedule 2, Part 1, section Q2 of the GPDO and subject to the following three conditions in addition to those set out in the GPDO:
 - 1) No development shall take place until details of the design and external appearance of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 2) No development shall take place until details of the curtilage of the proposed dwelling, including its garden, bin storage, parking and turning areas, and hard and soft landscape works, along with an implementation timetable, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and timetable.
 - 3) In the event that contamination is found at any time during the course of development it must be reported in writing to the local planning authority and no further development shall take place until a report of appropriate investigation, risk assessment and any necessary remediation scheme, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall be

implemented, and a verification report submitted, in accordance with the approved timetable.

Preliminary Matters

2. The application was made under the provisions of legislation that has now been replaced by the Town and Country Planning (General Permitted Development) (England) Order 2015. I have determined the appeal in the context of, and with reference to, current legislation. Both parties have had opportunity to respond to the fact that the GPDO has been consolidated and updated, and I am satisfied that this has not had a material bearing on the outcome in this case.
3. The GPDO grants planning permission for certain forms of development, including the change of use of an agricultural building to a dwellinghouse along with associated works provided that certain limitations and restrictions are complied with. The Council, in determining the application, was satisfied that, if prior approval were to be granted, the proposal would be permitted development.
4. Notwithstanding that, at the appeal stage the Council has questioned whether the extent of the curtilage to the dwelling would exceed that allowed by the GPDO meaning that the proposal would not in fact benefit from permitted development rights. There are some apparent discrepancies in the information included in the application about what size the curtilage would be, the red line on the submitted plan appearing to include little if any land outside the barn, the supporting statement referring to a curtilage of 28m² and the application form referring to a cumulative area of 120m².
5. However, it is clear from the appeal documents that there is no intention for the curtilage to exceed the GPDO limit. It was evident from my site inspection that there is currently no clearly defined curtilage to the barn, and that the dwelling would be served by an existing access track that also leads to the appellant's fields and another agricultural building meaning that it need not be considered part of the curtilage as defined in the GPDO¹. The GPDO allows conditions to be attached to any prior approval provided that they are reasonably related to the subject matter of the prior approval². It would therefore be possible, if the appeal were to be allowed, to impose a condition requiring details of any garden and parking area for the proposed dwelling to be submitted to and approved by the local planning authority. This would not materially alter the proposal as described in the application but ensure that the extent, design and appearance of the curtilage was appropriate. Furthermore, it is highly unlikely that any third party interests would be prejudiced.
6. On this basis I am satisfied that if prior approval were to be granted, subject to appropriate conditions, the proposal would be permitted development.
7. The Council refused to grant prior approval for two reasons, both of which related to GPDO paragraph Q2(e) which refers to whether the location or siting of the building makes it otherwise impractical or undesirable for it to change from agricultural use to a dwelling.

¹ GPDO Schedule 2 Part 3 Class X.

² GPDO paragraph W(13).

8. Since the Council's decision, relevant parts of national Planning Practice Guidance ("PPG") have been amended. The PPG now makes it clear that a test in relation to the sustainability of the location of the site should not be applied as the permitted development right recognises that agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. The fact that the site may be in a location where permission would not normally be granted for a dwelling is not a sufficient reason for refusing prior approval. Rather, the test is whether the location or siting of the building would make it impractical or undesirable to change its use to a dwelling, for example if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals³.
9. In light of this change to the PPG, the Council has advised that it no longer wishes to pursue its first reason for refusal, which related to the accessibility of the site, and I agree that there is no need for me to consider that matter further.

Main Issue

10. In light of the above, the main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling having regard to the effect that the nearby agricultural activities would be likely to have on the living conditions of future residents.

Reasons

11. The proposal relates to an attractive, traditional stone barn in the countryside outside Wirksworth. A modern agricultural building is located around 20 metres away facing the barn on the other side of a yard, and to the rear of that building is a modest-sized timber shelter for the appellant's cattle that are kept in the adjoining fields.
12. Detailed plans of the proposed dwelling have not been prepared, but the appellant advises that the design and external appearance of the building would not be substantially altered and that the proposal would provide a more conveniently-located home for him as he would continue to operate the farm.
13. It is not uncommon for farmhouses to share an access and yard with, and be located in close proximity to, other agricultural buildings. The building closest to, and facing, the proposed dwelling is used for the storage of agricultural machinery and equipment, and the timber shelter to the rear opens onto the adjoining fields. The scale and intensity of the use of the agricultural buildings is by no means great, and whilst future residents of the proposed dwelling may well be conscious of odours and noise from animals and farm machinery this would not be unusual in a rural area or render the living conditions unacceptable.
14. There is always the possibility that the nature of the agricultural activities could change, but there is nothing to suggest in this case that this would be likely or that it would significantly increase the potential for pollution, particularly given the nature and modest size of the agricultural buildings.
15. If the proposed dwelling were to be occupied in the future by someone not involved with the farm they would be aware of the presence of the existing

³ PPG ID 13-108 and 109 updated 5 March 2015.

nearby buildings and the shared access arrangements. Thus, it is reasonable to assume that any such residents would expect living conditions typical of a rural area, the qualities of which differ in various ways to those experienced in built up areas.

16. I conclude that neither the location nor siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling having regard to the effect that the nearby agricultural activities would be likely to have on the living conditions of future residents. The proposal would, therefore, be consistent with the objectives of national policy which seeks to ensure a good standard of amenity for the occupants of buildings, that new development is appropriate for its location in order to prevent unacceptable risks from pollution, and that noise should not give rise to significant adverse impacts on health and quality of life as a result of development⁴.

Conditions

17. Paragraph 3 of section Q2 of the GPDO requires the development to be completed within a period of three years starting with the date of this decision, and paragraph 12(a) of section W of the GPDO requires the development to be carried out in accordance with the approved details.
18. The Council officer report suggests that a number of issues related to the prior approval matters ought to be addressed by conditions and I agree that is so.
19. Given the absence of proposed plans and the nature of the existing building, it is necessary to impose a condition requiring details of the design and external appearance of the proposed dwelling in order to safeguard the character and appearance of the area.
20. A condition requiring details of the layout and landscaping of the dwelling's garden, bin storage, and parking and turning areas are required for the same reason. However given the nature of Oakerthorpe Road, the distance of the site from it, presence of an existing yard, and the limited scale of the proposal I am not convinced that such a condition, or a condition relating to construction plant, materials and vehicles, is necessary in the interests of highway safety.
21. As the site has been used for many years for agriculture, including for housing animals, there is the possibility that contamination may be found and therefore a condition is required to ensure appropriate mitigation measures are taken to protect future occupants from pollution.

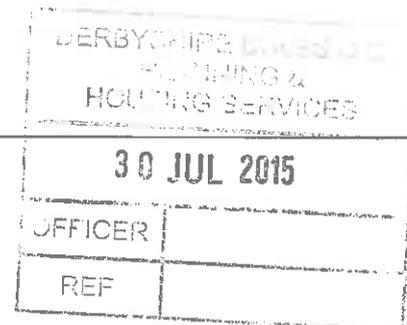
Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and approval granted.

William Fieldhouse

INSPECTOR

⁴ National Planning Policy Framework paragraph 17, 4th bullet point, and paragraphs 120 and 123.



Appeal Decision

Site visit made 22 July 2015

by **Peter Eggleton MRTPI**

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

Decision date: 29/07/2015

Appeal Ref: APP/P1045/Z/15/3006058

Land at Bakewell Road, Matlock, Derbyshire DE4 3AU.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by McDonald's Restaurants Ltd against the decision of Derbyshire Dales District Council.
- The application Ref 14/00810/ADV was refused by notice dated 6 February 2015.
- The advertisement proposed is a freestanding 8 metres high totem sign.

Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect on visual amenity.

Reasons

3. The proposal is for an 8 metres high totem with three sets of advertising panels attached. The site has permission for new commercial development, including a McDonald's restaurant, and is situated between the A615 (Bakewell Road) and the river, towards the edge of Matlock. The sign would be visible when adjacent to the site but also from the A6 (Derwent Way) and the roundabout that forms the junction between the above mentioned roads.
4. Although there has historically been commercial activity on this site and there is a number of commercial properties between this site and the centre of Matlock, advertising signs are not a prominent feature of the area. Despite the existing developments in the vicinity, the area is dominated by the vegetation and foliage along the river, along the roads and on the sides of the valley. These contribute most to the important characteristics of this edge of settlement area.
5. A totem sign of the height proposed would introduce high level signage into this area and the approach to Matlock centre. From a number of vantage points, it would be viewed in isolation, given the height of the nearest proposed building. It would represent a strident and uncharacteristic feature set against the backdrop of the roadside trees. I also consider that its relationship with these trees would detract from their setting. It would be entirely at odds with

- the existing character and appearance of this area, particularly when viewed from the roundabout and the raised level of the A6, as it passes over the river.
6. Reference has been made to the new housing development in the vicinity but whilst this may have altered the character of the area to some extent, it is of an entirely different character to this proposal. Where there is commercial activities, including the large supermarket, off the A6, signage has generally been limited to lower levels or it is set against buildings or the steep sides of the valley. I find that this proposal would represent a prominent, isolated new advert. It would result in unacceptable harm to visual amenity.
 7. I note the suggestion that the signage is a vital element of the advertisement schedule and that it is essential that it be viewed from both main roads. It is also suggested that such signage is an integral feature with regard to the longevity of the restaurant. Whilst signage is clearly important to the commercial activity proposed, this would be an additional sign to those already accepted. I acknowledge that the *National Planning Policy Framework* is supportive of business and enterprise and the need for advertising provides weight in favour of the proposal. However, I am not persuaded by the evidence that this sign is essential to the viability of the venture and this reduces the weight I afford it, in this regard.
 8. I acknowledge that the street furniture and neighbouring developments are of a significant height although I have found these to be of an entirely different character to the proposal. I acknowledge that the position of the sign and its appearance have been altered to reduce its impact. However, the *Framework* is clear that poorly placed adverts can have a negative impact on the appearance of the built and natural environment and this would be the case with regard to this proposal. Whilst its appearance has been improved compared to previously submitted designs, it would still not represent high quality design in this setting. Reference is made to replacing poor design with better design but I am unaware of any previous approved adverts on this site.
 9. I note that the Council's decision does not make reference to the Development Plan. However, the Regulations, the *Framework* and the *Planning Practice Guidance* require that decisions are made only in the interests of amenity and public safety and therefore, the Council's policies cannot be decisive in any event.
 10. Overall, whilst there are no concerns raised with regard to highway safety, I find that the proposal would be harmful to the visual amenity of the area. I am not satisfied that the matters in favour of the proposal are sufficient to outweigh this concern. I conclude that the appeal must be dismissed in the interests of amenity.

Peter Eggleton

INSPECTOR

DERBYSHIRE DALES D.C. PLANNING & HOUSING SERVICES	
30 JUL 2015	
OFFICER	
FILE	

Appeal Decision

Site visit made on 22 July 2015

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 29/07/2015

Appeal Ref: APP/P1045/D/15/3032627

37 Northwood Lane, Darley Dale, Derbyshire DE4 2HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Lilley against the decision of Derbyshire Dales District Council.
- The application Ref 14/00883/FUL, dated 22 December 2014, was refused by notice dated 17 February 2015.
- The development proposed is a two storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 37 Northwood Lane, Darley Dale, Derbyshire in accordance with the terms of the application, Ref 14/00883/FUL, dated 22 December 2014, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL03.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in an extension that would effectively continue the existing form of the dwelling. The Council consider that such an addition should be subservient to the form and scale of the original house. The design approach suggested by the Council, which would involve the setting back of the frontage and a lower roof, can assist in maintaining important design characteristics and the original proportions of a dwelling. It can also reduce concerns if it might be difficult to achieve exactly matching materials.
4. In this case the property has a very simple design and form. The walls are rendered. I am satisfied that the addition as proposed could be well matched with the original. Although it would alter the overall proportions of the dwelling, this would not be detrimental with regard to the overall design. It would also replace the existing elements to the side of the property which are not positive

features. The forward projection to the front would not be dissimilar to other canopies within the street and would not detract from the design interest provided by the bay window to the front of the property.

5. The works would result in a larger property than the attached dwelling but I am not satisfied that the loss of symmetry would be harmful to the character or appearance of the area. Although built up to the boundary, a significant gap would remain to the side of this dwelling because of the access track. The proposal would therefore undermine the importance of the spaces between dwellings. The side elevation would be of a significant overall height, because of the drop in levels to the access, but I do not consider that it would be an unduly prominent feature in the street scene.
6. Overall, I am satisfied that continuing the form of the dwelling would represent a satisfactory design approach in these particular circumstances. It would not result in harm to the appearance of the dwelling itself or the character or appearance of the area. I do not find conflict with the design aspirations of Policies SF5 or H2 of the Derbyshire Dales Local Plan 2005. As these policies generally accord with the design requirements of the *National Planning Policy Framework*, I afford them considerable weight.
7. The Parish Council have not objected to the proposal. They have requested that the access be maintained to the side of the property but this is a private matter for those with an interest. I have fully considered the concerns of the planning authority but I do not consider that they are well founded in these particular circumstances. I therefore allow the appeal.
8. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As the plans are clear with regard to the materials, a condition relating to this matter is not necessary.

Peter Eggleton

INSPECTOR