AGENDA

SITE VISITS

The Committee is advised a coach will leave the ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne at 1.50pm 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 MEETING

Planning Committee – 15 December 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.

11 January 2016

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 19 January 2016 at 6.00pm at the Elim Pentecostal Church, Waterside Park, Waterside Road, Ashbourne DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services
4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

4.1 APPLICATION NO. 15/00776/FUL (Site Visit)  5 - 16
Erection of 8 No. dwellings, 2 No. garages and formation of associated access road and parking areas at Highfield House, Main Road, Hulland Ward.

4.2 APPLICATION NO. 15/00766/FUL (Site Visit)  17 - 27
Demolition of buildings, removal of hardstanding and erection of four detached dwellings and associated access at The Firs, Main Road, Wyaston.

4.3 APPLICATION NO. 15/00570/OUT (Site Visit)  28 - 68
Residential development of up to 46 dwellings (outline) at Cavendish Cottage and land off Derby Road, Doveridge.

4.4 APPLICATION NO. 15/00429/FUL  69 - 77
Erection of agricultural storage building at land adjacent to 11 Little Bolehill, Wirksworth.

5 APPEALS PROGRESS REPORT  78 - 93
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, Andrew Statham and 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 Elim Pentecostal Church, Ashbourne at 1:50pm prompt for the following site visits:

2.10pm Application No. 15/00776/FUL 5 - 16
HIGHFIELD HOUSE, MAIN ROAD, HULLAND WARD
Requested by Officers and Ward Member to enable Members to assess the impact of the development upon the local environment.

2.50pm Application No. 15/00766/FUL 17 - 27
THE FIRS, MAIN ROAD, WYASTON
Requested by Officer to enable Members to assess the impact of the development on the character and appearance of this part of the countryside.

3.30pm Application No. 15/00570/OUT 28 - 68
CAVENDISH COTTAGE AND LAND OFF DERBY ROAD, DOVERIDGE
This is a major application for housing development, therefore the site visit has been requested by Officers to allow Members to fully appreciate the impact of the proposed development.

4.30pm RETURN TO ELIM PENTECOSTAL CHURCH, ASHBOURNE
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.
INTRODUCTION:
This application follows the approval of 5 detached dwellings within the grounds of Highfield House in April 2014, which are currently under construction. This application concerns the part of the site the original dwellinghouse and its remaining associated curtilage occupy.

THE SITE AND SURROUNDINGS:
Highfield House is a large detached dwelling served by two vehicular accesses linked by a continuous driveway, off Main Street within the centre of Hulland Ward. The site extends to 0.36 of a hectare and includes the access road extending along the western side of the site serving the dwellings being constructed to the south. The existing dwellinghouse appears to date from the mid-19th Century and is faced mainly in render. The original building has been significantly extended at the side and rear. Projecting beyond the west facing side elevation of the main building is a two storey annex. The annex is faced at first floor level in hanging tiles and incorporates a timber framed central section.

Although the majority of the vegetation which lined the road (comprising mainly confiners) has been cleared, a pair of mature Beech and a mature Chestnut Tree have been retained. To the east of the site is an estate of modern bungalows, beyond a mature hedgerow, hedgerow trees and an access to farmland / a series of fields to the south.

THE APPLICATION:
Full planning permission is sought to demolish the original dwellinghouse and erect a terrace of four and pair of semi-detached dwellings on the same alignment in its place. The applicant had intended to construct a terrace of six identical dwellings in a staggered alignment, with the central pair shown to be faced in render. The dwellings are now proposed in two separate blocks and will be traditional in appearance and all faced in brick and plain clay tiles. The end of the eastern most block will sit 1m in from the hedgerow along the access track. In front of the dwellings a parking and turning area is shown. It is proposed to surface these areas in permeable tarmac or paving as part of a sustainable urban drainage system, comprising a series of soakaways. Within the rear garden it is proposed to erect a further two five bedroomed detached dwellings and two freestanding garages. With the exception of two storey central gable projections the proposed five bedroomed dwellings will be similar in design and footprint to the dwellings being constructed at the southern end of the site. The garages have been repositioned to sit in front of the dwellings, albeit off set to one side. In the case of the eastern most plot the garage will sit close to the boundary of the site, which is lined by a hedgerow. They will be single storey (2.2m high to eaves and 4.2m high to ridge) and approximately 5.5m square with dual pitched roofs. The exterior walls of the garages and detached dwellings will be constructed in natural coursed stone, to match those being constructed.

The height of the detached dwellings dual pitched roofs to ridge will be 7.8m, 0.4m below the ridge level of the proposed dwellings at the front of the site.
Access will be via the modified access at the western end of the site.

The submitted layout plan accommodates the trees along the site frontage and shows the new footpath to be formed across the entire site frontage to Main Road and eastwards to Viewdales Close. The applicant proposes as part of the application to make an off-site contribution towards affordable housing to satisfy the requirements of Adopted Local Plan Policies.

**RELEVANT HISTORY:**
14/00078/REM Residential development of 5 no. dwellings (Approval of Reserved Matters) – Granted
09/00511/OUT Residential development of five dwellings incorporating new site access and provision of footway (outline) – Granted

**CONSULTATIONS:**
Local Highway Authority:
The Highway Authority has previously commented on proposals for residential development at this site and raised no objections subject to conditions.

This current application seems to have 2 different proposed layouts. Whilst both layouts are proposing to construct 8 additional dwellings, the Highway Authority has concerns regarding the layout illustrated on drawing number H15/01. The space behind some of the proposed parking spaces on this layout is insufficient to enable drivers to easily enter and exit the spaces without several shunting manoeuvres and some of the parking spaces emerge directly onto the access road in the close vicinity of its junction with Main Road, which may result in vehicles having to wait in the access/junction whilst drivers are exiting some of the car parking spaces.

However, the proposed layout on drawing number H14/1/10 is acceptable. All of the proposed parking spaces can be easily accessed and none emerge directly onto the access road within the close vicinity of the junction with Main Road.

The Highway Authority presumes the previous permitted application for 5 dwellings will be constructed as the applicant has already contacted the Highway Authority with regards to entering into a Section 278 Agreement to construct the fronting footway. This, in turn, allows adequate emerging visibility splays to be achieved.

Conditions are recommended including the previous conditions relating to the access/footway/layout in respect of application code ref. 14/00078/FUL, where necessary.

Parish Council
Support the application, however, draw the existing problems relating to drainage at the rear of the site to the Local Planning Authority’s attention. The Parish Council would also like to see the trees on site protected.

County Council Flood Risk Team:
Refer the Local Planning Authority to their standing advice.

**REPRESENTATIONS:**
Representations have been received from local residents, four of which object and two, whilst not objecting to the proposed development, raise a number of concerns.
Representations have also been received from a village committee, the majority of which support the application. The comments received can be summarised as follows:

**Drainage**
- Concern that surface water will discharge into the drainage ditch at the rear of the site towards Deepdale Farm has been expressed. The existing surface water drainage network is not considered adequate to serve the proposed development and houses already being constructed on site.
- Reference is made generally to flooding in the village and the problems of surface water drainage.

**Footway**
- It is considered that the footway should be extended in a westerly direction in front of Peel House to link the site to the main village facilities.

**House types, density appearance and mix**
- The terraced houses are considered more affordable than the types predominant on the other proposed developments in Hulland Ward, and are more acceptable to local people who wish for housing that local people can afford. The villagers would like their children and grandchildren to be able to afford to remain in this area. Improving affordability is important in this respect.
- The proposed development is considered to be small, and broadly in keeping with the village's wish to see growth proceed organically.
- Concern that 'dormer' extensions will appear on the roof of the dwellings at the front of the site in time has been expressed and that three storey houses would not be in keeping with the village.
- Concern has been expressed regarding the mass of housing coming forward in Hulland Ward.
- It is considered that the houses on site should be bungalows, not three storey houses.
- Reference is made to 5 bedroomed detached dwellings being constructed on the site. It is considered that the proposed dwellings should also be detached.

**Amenity**
- It is considered the terraced row will overshadow and overlook no. 2 Viewdales Close to the east.

**Landscaping**
- It is considered that existing trees and hedges should be retained or replaced. Reference is made to the trees already removed from the site.

**Access**
- It is pointed out that the development will see possibly 20 residents' cars exiting onto the road. 50% more than Biggin View.
Pedestrian safety is raised as a concern. Reference is made to the main services in the village being on the same side of the A517, but the footway on that side of the main road between Highfield House and the shop, garage and surgery not being continuous.

Affordable Housing

It is considered that unless there is going to be a clause stating that the dwellings fronting the site should be for first time buyers there is no point in making such provision. Reference is made to the time taken to occupy the last affordable houses built in the village. It not considered that there is a shortage of affordable housing.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)
SF1: Development within Settlement Frameworks Boundaries
SF5: Design And Appearance of Development
H1: New Housing Development Within Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H11: Affordable Housing Within The Settlement Frameworks Of Other Settlements
NBE6: Trees And Woodlands
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

The National Planning Policy Framework (2012)
Affordable Housing Supplementary Planning Document (2006)

ISSUES:

1. Having regard to the consultee and public comments received, relevant policies of the Development Plan and national guidance, the key matters to consider in respect of this application are:

   a) is redevelopment of the site for housing acceptable in principle?
   b) would the development respect the character, appearance and setting of the settlement?
   c) whether the housing mix and density is appropriate
   d) the impact on the privacy and amenity of the occupants of neighbouring residential dwellings
   e) Whether the contribution towards affordable housing is acceptable;
   f) the impact of the development on existing trees and hedgerow which surround the site
   g) whether there would be any highway safety implications, and
   h) whether there would be any drainage / flood risk issues

Is redevelopment of the site for housing acceptable?

2. The application site is located within the defined settlement of Hulland Ward as set out in the Adopted Derbyshire Dales Local Plan (2005). Notwithstanding the District Councils inability to demonstrate a five year supply of housing land at this time, Policy H1 of the Adopted Derbyshire Dales Local Plan supports infill and
consolidation within defined settlement framework boundaries and redevelopment of previously developed land for residential purposes, particularly where the development involves the replacement of existing buildings and where full and effective use of the land is made. The site comprises Highfield House and its associated curtilage centrally located within the village, off Main Road. Although the original building appears to date from the mid-19th century it is not a listed building and despite appearing structurally sound it is in need of modernisation. A series of extensions, including an unsympathetic annex to the side clad, in part, in hanging tiles and the insertion of modern casement windows have resulted in some dilution of its character. The loss of this building and redevelopment of the site to provide 8 new dwellings within the confines of the village to help meet the District's housing needs is therefore considered to be acceptable in principle. There is however a need for development to respect the character, appearance and setting of a settlement (Adopted Derbyshire Dales Local Plan Policy H1).

**Would the development respect the character, appearance and setting of the settlement?**

3. The need for development to respect the character, appearance and setting of a settlement aligns with Policies SF5 and H9 and guidance contained within the National Planning Policy Framework which advises in respect of design (part 7) 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. 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.

4. The appearance, type and design of housing in the immediate locality is varied. To the east is an estate of chalet bungalows (Viewdales Close) and to the west are a series of large detached two storey dwellinghouses, the vast majority of which are set a significant distance back from Main Road in large plots. On the opposite side of the road beyond a grass verge are a series of two storey post war, former local authority semis. Immediately adjacent the dwelling to the west an affordable bungalow has been allowed and at the rear of the site four large dwellings. The erection of a terrace of four two storey dwellinghouses occupying a similar part of the site as the dwelling to be demolished and set a similar distance back from the road as the detached dwellings to the west and a pair of semis on the site frontage is not considered to be inappropriate in this respect. The dwellings on the site frontage are shown to have accommodation within the roof space, however, have the appearance of two storey houses. Some concern has been expressed with regard to the appropriateness of three storey house and dormer windows / extensions. Any extensions projecting beyond the principal roof slopes of the dwellings, facing the Main Road will automatically require planning permission however such additions can be controlled by condition for the avoidance of doubt. Such a restriction would be reasonable given the lack of three storey dwellinghouses within the village, and such properties being out of scale and character with the area. To help break the mass of built development fronting the
site, it is recommended that the semis be brought forward by 1m to sit in front of the
terrace of four. It is also recommended that the centrally positioned chimney stack
on the roof of the terrace be widened to appear large enough to serve the dwellings
either side.

5. It is proposed to face the dwellings at the front of the site in brick, which would tie in
with the properties either side, bungalow to be constructed and dwellings opposite.
The two detached dwellings at the rear of the site would be of a similar footprint,
height and appearance as those currently being constructed. They would be in
character and scale with these dwellings / their immediate surroundings and faced
in materials to match.

Whether the housing mix and density is appropriate?

6. The site is located within the confines of a defined settlement and is relatively
sustainable, insofar as access to basic services and facilities is concerned, in
between existing housing development. Having regard to the pattern and density of
development in the area, the amount of development proposed is not considered to
be inappropriate. The development can be accommodated on site without
appearing cramped and for reasons stated above would not be out of scale and
character with its surroundings.

7. Paragraph 50 of the NPPF states “to deliver a wide choice of high quality homes,
widening opportunities for home ownership and create sustainable, inclusive and
mixed communities, local planning authorities should plan for a mix of housing
based on current and future demographic trends, market trends and the needs of
different groups in the community (such as, but not limited to, families with children,
older people, people with disabilities, service families and people wishing to build
their own homes) and identify the size, type, tenure and range of housing that is
required in particular locations, reflecting local demand …….” A Housing and
Economic Development Needs Assessment has been recently carried out by the
District Council (September 2015) as part of the evidence base for its emerging
local plan which advises that “……... the provision of market housing should be more
explicitly focused on delivering smaller family housing for younger households and
recommends the following mix of market housing:

   1-bed properties: 5%
   2-bed properties: 40%
   3-bed properties: 50%
   4-bed properties: 5%

8. Although two five bedroomed dwellings are proposed the fifth bedroom will be
accommodated within the roof space. The majority of housing is aimed at first time
buyers. The floorspace of the dwellings fronting the site correspond with the
floorspace associated with a typical two storey dwelling, however, will
accommodate a third bedroom within the roofspace giving greater flexibility to those
wishing to start a family. Bearing in mind the relatively low density of the
development and the lack of available starter homes within the settlement, a
concern expressed by the local community, the mix of housing is considered to be
appropriate having regard to local opinion and the most up to date district housing
needs information.
The impact on the privacy and amenity of the occupants of neighbouring residential dwellings

9. Concern has been expressed with regard to the potential for the terrace to overlook the dwellings off Viewdales Close to the east and appear overbearing. There is a requirement in Policy H9 for new housing development to not have a detrimental impact upon the amenities of adjoining or adjacent properties. The terrace forming plots numbered 6 – 9 would sit within 1m of the boundary with the access track, which is lined by a hedgerow and hedgerow trees. The end gable of the terrace facing east would sit approximately 22m from the rear wall of no. 2 Viewdales Close. On the basis that the terrace would occupy a similar position as the existing dwellinghouse, be of a similar height and no windows are proposed at first floor level it is not considered that there would be any significant impact on the amenities of the occupants of this property or their privacy. There would be no direct views over the properties off Viewdales Close from the windows in the south facing wall of the terrace, due to the orientation of the terrace. The distance of the detached dwelling on plot 13 from no’s 4 and 5 Viewdales and its height is such that it would not appear overbearing or result in any significant loss of privacy.

Whether the contribution towards affordable housing is acceptable

10. Hulland Ward is defined as an ‘other’ settlement in the Adopted Derbyshire Dales Local Plan (2005). Policy H11 requires 33% of all dwellings to be affordable on sites capable of accommodating 2 or more dwellings. The Head of Housing at the District Council has advised that the size of the proposed starter homes are unlikely to be taken on / managed by a registered social landlord and on this basis, they would accept an off-site contribution to help meet the identified local need in the area. Using the matrix in the Affordable Housing Supplementary Planning Document and based on the local need for larger 2 bedroomed, four person units a contribution of £92,026.66 would need be made. The applicant has agreed to pay this amount to address the requirements of Policy H11 and national guidance.

The impact of the development on existing trees and hedgerow which surround the site

11. Desire has been expressed by the Parish and locally to retain the existing trees and hedgerows, which surround the site. The mature Beech and Chestnut trees fronting the site and the hedgerows and hedgerow trees along the east, south and western boundaries are shown to be retained. These are important components / features of the streetscene / character and appearance of this part of the settlement. Given the high public amenity value of these features it is important that they are protected through the imposition of appropriate conditions.

Whether there would be any highway safety implications

12. Policy TR1 of the Adopted Derbyshire Dales Local Plan requires development to be served by a safe access and TR8 seeks to ensure an appropriate level of parking. The Local Highway Authority are satisfied that the access shown is capable of serving the number of dwellings proposed in its modified form. There is some concern, however, with regard to the parking layout. The original layout showed insufficient to enable drivers to easily enter and exit the spaces without several shunting manoeuvres and some of the spaces sat close to the main site access. The number of spaces have since been reduced, although several parking spaces
in front of the properties at the northern end of the site are positioned close to the site access, a car could access the site and allow a parked car to manoeuvre clear of the public highway. It is, however, recommended that details of the parking layout and surface treatment be secured by condition. There is sufficient space to accommodate the number of spaces required to serve the scale of housing being proposed.

13. The comments made regarding extending the footway have been noted, however, it is not considered reasonable to secure works on land outside of the applicants control as part of this application, nor are such works considered necessary to facilitate the development that is being proposed on site. The footway fronting the site and modifications to the site access have already been secured in respect of the development which is currently being built out. As such there is no need to impose further conditions to secure such works.

**Whether there would be any drainage / flood risk issues**

14. A concern raised by local residents is the problem of surface water drainage. More buildings and surfacing of the site is likely to have implications for surface water run-off. The applicant is, however, proposing soakaways which will form part of a sustainable urban drainage system and permeable surfaces. It is recommended that details of the surface treatment and soakaways be provided to ensure that surface water is appropriately disposed of and does not increase the risk of localised flooding.

**Summary**

15. To conclude, it is considered having regard to the above matters that the proposed development would be acceptable in terms of satisfying the relevant provisions of the Development Plan and national guidance. Subject to conditions and the applicant entering into a legal agreement to secure monies towards affordable housing to satisfy the requirements of Policy H11 it is therefore recommended that the application be approved.

**OFFICER RECOMMENDATION:**

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

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 5th January 2016 numbered H15/01A, H/15/12/01, H/15/12/02 and H/15/01A.**
3. **DM1: All Materials to be Approved – General.**
4. **Nowithstanding the submitted details, the semi detached properties occupying plots 10 and 11 shall be repositioned 1m to the north of their location set out in drawing numbered H15/01A and the centrally positioned chimney stack on the roof of the terrace widened in accordance with details which shall have been previously**
submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

5. All window and door frames (including garage doors) shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the replacement dwellinghouse hereby approved unless otherwise agreed in writing by the Local Planning Authority.

6. DM23: Design Details (External Fixtures)

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 which shall include the mature Beech and Chestnut trees on the site frontage and 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) location and extent of soakaways
   e) soil preparation, cultivation and improvement;
   f) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
   g) grass seed mixes and sowing rates;
   h) finished site levels and contours;
   i) means of enclosure;
   j) car park layout and manoeuvring areas;
   k) other vehicle and pedestrian access and circulation areas, and;
   l) hard surfacing materials

8. LA13a: Landscaping To Be Carried Out and Maintained

9. LA4: Trees – Protected by Fencing during Works

10. 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 development falling within Class B or C of Part 1 of Schedule 2 of the said Order shall be carried out in respect of the dwellings occupying plots 6 – 11 on drawing H15/01A without the prior written approval of the Local Planning Authority upon an application submitted to it.

11. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
12. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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. To secure a satisfactory standard of landscaping in accordance with the aims of Policies SF4 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005), appropriate parking and maneuvering space and to prevent surface water flooding in accordance with Policy guidance contained within the National Planning Policy Framework (2012).

8. To ensure a satisfactory standard of landscaping in accordance with the aims of Policies SF4 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

9. To protect trees during the construction period and the interests of visual amenity in accordance with the aims of Policies NBE6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005).

10. To preserve the external appearance of the dwellings fronting Main Road and ensure that they remain in scale and character with their surroundings in accordance with the aims of Policies SF5, H1 and H9 of the Adopted Derbyshire Dales Local Plan (2005).

11 and 12. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which resulted in revised proposals that overcame initial problems with the application relating to the siting and appearance of the dwellings fronting Main Road.

2. NFA20 Conditions Precedent... Conditions 3, 4, 7 and 12.

3. NFA21 Conditions Fee Discharge.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
1:100 Scale Proposed Elevations, Floor Layout and Cross Section Plans of the dwellings and garages occupying plots 12 and 13 numbered H15/04 and H15/05 received by the Local Planning Authority on the 29th October 2015, and;
1:500 Scale Proposed Site Layout Plan numbered H15/01A, and;
1:100 Scale Proposed Elevations, Floor Layout and Cross Section Plans of the dwellings occupying plots 6-11 numbered H15/12/01 and H15/12/02 received by the Local Planning Authority on the 5th January 2016.

BACK TO AGENDA
15/00766/FUL

The Firs, Main Road, Wyaston

Derbyshire Dales DC

Date: 07/01/2016

100019785

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Derbyshire Dales District Council,
Town Hall, Bank Head, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The application site comprises The Firs, a rendered dwellinghouse situated within the centre of Wyaston Village, off Main Road and its associated land. The site extends to 2.1ha and includes a red brick stable / storage building to the north of the main dwellinghouse and series of redundant poultry buildings to the west. The existing dwellinghouse sits side on and hard up to the main road through the village. Between the main dwellinghouse and red brick stable / storage buildings is an area of hardstanding which extends up to Main Road and comprises the main site access. The site falls away gently in a westerly direction.

The site is screened to the north and west by mature tree planting. Along the western boundary of the main dwellings domestic curtilage and to the west of the red brick stable / storage building are lines of conifer trees, which screen the poultry sheds from the road. The character of development either side of the site, on the western side of Main Road comprises mainly detached dwellings, which sit in large plots. The settlement pattern is more intimate on the eastern side of the road.

Public Footpath no. 11 'Edlaston and Wyaston' runs alongside the southern boundary of the site beyond a mature hedgerow and hedgerow trees.

To the west of the site Darley Moor Airfield which is used for motor cycle racing events and by light commercial aircraft.

THE APPLICATION:
Full planning permission is sought to demolish the existing dwellinghouse, red brick stable / storage building to the north and poultry sheds and erect four detached 4 bedroomed dwellings at the eastern end of the site. The dwellings will be arranged around a small turning head / cul-de-sac which will extend into the centre of the site from Main Road.

The four dwellings are centrally positioned within their relative plots and are individual in their form and appearance, however will feature the same Victorian architectural detailing. The dwellings will comprise a linear building with a series of subservient gables. All of the dwellings will have projecting eaves, bargeboards, arched lintels and single chimney stacks. The exterior walls will be faced in red brick with blue engineering brick detailing and the roof in plain clay Staffordshire Blue tiles.

The dwellings on plots 1 and 4 have been purposefully designed and sited to address Main Road. The dwellings will sit approximately 4 and 5m from the carriageway edge, behind the frontage of the dwellinghouse to be demolished.

With regard to the buildings to be demolished the applicant advises that the existing dwelling, ‘The Firs’ and the adjacent stable / storage building are in very poor condition and have been significantly altered and extended. Coupled with the adverse impacts on The Firs necessary to accommodate the access (which would need to be partially
demolished), the applicant considers the most beneficial way forward is to remove all of
the buildings on site, including the large poultry sheds and points to the benefits of
reinstating the land the poultry sheds occupy as paddock.

The application is accompanied by an Extended Phase 1 Habitat Survey and Bat Survey

RELEVANT HISTORY:
None.

CONSULTATIONS:
Parish Council:
The Parish Council are generally supportive of the nature and scale of the
development, however, make the following comments:

• The Parish Council note the proposal to demolish the chicken sheds. We ask
DDDC to make it a specific condition of any approval that the sheds be
demolished, the site restored to pasture / grassland, and that future development
of this area is prohibited. This should also apply to the existing trees and woodland
to the rear of the site, which should be retained and protected in their entirety.

• A scheme of additional tree planting should be included / conditioned to replace
the extensive area of established woodland that was removed by the developer
prior to submission of the planning application, including removal of some trees
that are indicated on the pre-application consultation drawings presented to the
Parish Council.

• The application makes reference to our previous comments with respect to the
potential to retain and convert the existing house and outbuildings. However, we
believe that these existing buildings should be part of the scheme, and provide 2 of
the 4 dwellings proposed. The condition of the buildings described in the Design
and Access statement in no way prevents their conversion into satisfactory homes,
and their loss from such a prominent location would represent a significant loss to
the character of the village.

• The waiting area for the bus stop appears very small. This should be conditioned
such that it is of a suitable size for the anticipated use, in accordance with relevant
guidelines.

• We are concerned about the increase in vehicular traffic that would turn on and off
the main road as a result of this development. At present this road is subject to a
national speed limit, and visibility in the area of the site is very poor. Noting the
comments in this regard made in the Design and Access Statement, we request
that any approval is conditioned to include visibility appropriate to the speed limit
on this road, and traffic calming, signage, or other measures to control traffic
speeds through the village.

• We have concerns about the use of the "main sewerage" system, as we believe
the house at the moment is on a septic tank, and hence questions arise with
respect to; a. whether the existing system can cope with the additional load from 4
large houses; b. if connection is physically possible, as we don't believe that the
sewer runs down the main road as suggested in the application. We note that
many of these points were put to the Developer in response to their pre-application consultation with the Parish Council, but we believe that not all of them have been adequately addressed in the application as submitted.

Local Highway Authority:
Initially expressed concern that in order to achieve the illustrated 2.4m x 43m in both directions, the applicant appeared to be constructing a grass verge within the existing live carriageway; reducing Main Street’s width considerably. This was not something the Highway Authority could accept given that Main Street is a classified road and used regularly by agricultural traffic given the number of farms in the area.

The applicants’ agent has since confirmed that they propose to widen the verge into the site on land owned by the applicant, in order to achieve the above visibility sight lines in each direction and the Local Highway Authority have advised that they raise no objections on this basis, subject to a number of conditions and advisory footnotes.

Derbyshire County Council Rights of Way Section:
No comments received.

Derbyshire Dales Group of the Ramblers and Peak and Nothern Footpaths Society:
No objections subject to the width and route of Public Footpath no. 11 ‘Edlaston and Wyaston’ which runs alongside the southern boundary of the site not being affected / obstructed.

Derbyshire County Council Flood Team:
Whilst recognising that the proposals will increase the permeable area, advise that the proposed site is greater than 1ha and that there is a requirement for a site specific Flood Risk Assessment.

Head of Environmental Health:
Raise concern with regard to noise from the airfield having a detrimental affect on future residents. Advise that they are investigating on-going noise complaints from nearby residents, and recommend that a robust scheme of noise attention be submitted.

Derbyshire Wildlife Trust:
The following comments in respect of the impact of the development on habitat and protected species have been made:

Habitat:

Advise that the development should include the retention and enhancement of all hedgerows, with any hedgerows incorporated within suitable buffers as part of the green network running throughout the site and that all hedgerows, trees and woodland should be retained and incorporated within the development design together with additional hedgerow and tree planting as part of a landscaping scheme. In order to secure the long-term future and management of the hedgerows and woodland Derbyshire Wildlife Trust advise that, wherever possible, they should not be incorporated within the curtilage of residential properties but should be located alongside paths, roads or areas of greenspace.
With regard to the formation of the paddock, it is not considered that this would significantly enhance the site in biodiversity terms. The Trust advise that far more meaningful habitat creation should form part of the landscape scheme submitted as part of the application and it is recommended that a commitment to providing significant habitat creation in the form of wildflower grassland (and habitats detailed in the badger and reptile and great crested newt sections of the submitted ecological report) should be a condition of any approval.

Protected Species:

**Bats** - The trees and buildings on site are identified in the submitted ecological report as being potentially suitable habitat for bats. Subsequent nocturnal surveys did not identify bats using the site for roosting purposes however bat activity in and around the poultry units, some of which appear to be used opportunistically by bats during the night, either foraging, social behaviour or possible night roosting was noted. Recognising that the buildings provide future potential to support roosting bats which will be lost upon demolition a total of 12 bat boxes (6 of each type) attached to mature trees on site are recommended to compensate for this loss of potential habitat. The Trust support this recommendation and request that it is secured by condition and that light spill to the woodland, trees, gardens and hedgerows is avoided.

**Reptiles and great crested newts** - Although the site offers low potential for reptiles and terrestrial great crested newts the Trust supports the implementation of the reasonable avoidance method statement set out in the submitted ecological report. They also recommend that a new pond is incorporated within the layout design of the site to enhance and provide aquatic habitat for great crested newts known to be present in the area.

**Badgers** – The submitted ecology report identifies a main badger sett with 9 entrance holes (6 in current use), foraging evidence and latrines. Having visited DWT found 8 in current use entrance holes and 4 not in use. The Trust support the recommendations contained within the report and advise that a Natural England License will be required due to the potential disturbance to the sett and its close proximity to the site. A number of habitat enhancement measures are also recommended.

**REPRESENTATIONS:**

Representations have been received from two local residents in which the following concerns are expressed:

- The occupants of the dwelling to the north have questioned why the dwelling on plot 3 has been designed to face north, given the potential overlooking impact it would have on the occupants of Ingleborough. They also would like to know where any septic tanks / soakaways would be sited, as they may impact on their garden.
- It is not considered that there would be enough visibility from the new access onto the Main Road. Reference is made to the road being narrow at the point of entry and other dwellings opposite, which access the highway in close vicinity.
POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
  SF4: Development In The Countryside
  SF5: Design And Appearance Of Development
  H4: Housing Development Outside Settlement Framework Boundaries
  H9: Design And Appearance Of New Housing
  H12: Alternative Provision For Affordable Housing Outside Of Settlement Frameworks
  NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
  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
  L9: Safeguarding Public Rights of Way

Other:
  National Planning Practice Guidance (2014)

ISSUES:
Planning Policy Context

1. 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 policies contained within the development plan and other material considerations, including guidance contained within the National Planning Policy Framework (2012).

2. The Derbyshire Dales Local Plan, adopted in 2005 comprises the development plan for the area. Its policies have been saved and continue to be relevant where they are consistent with guidance contained within the National Planning Policy Framework (2012). 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 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.

3. 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.

4. The Local Planning Authority is unable at this time to demonstrate a five year supply of housing, as required by national guidance. As such, Policies SF4 and H4 which
deal with housing development outside of settlement framework boundaries are therefore considered to be out of date, a view confirmed by the Planning Inspectorate in a number of recent appeal decisions which deal with housing development outside of settlement frameworks. 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 dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

The main issues to consider, having regard to the parts of the development plan which carry weight, national guidance and comments from the statutory consultees and public in respect of this application are:

a) the appropriateness of the amount of development and the sustainability of the location, in terms of access to services and facilities;
b) the impact of the development on the character and appearance of this part of the settlement / local landscape;
d) whether there would be any problems relating to noise;
e) the impact of the development on species protected by law;
f) whether there would be any drainage / flood risk issues, and;
g) whether the development reflects local needs, particularly with regard to affordable housing and mix.

5. The Local Highway Authority are satisfied that the development would be served by a safe means of access onto Main Road in terms of visibility. An appropriate level of parking, manoeuvring and bin storage space to serve the proposed dwellings can also be provided. Notwithstanding the concern raised by a local resident, it is not considered that the proposed development therefore raises any highway safety issues. The enjoyment and route of the public footpath to the south of the site (no. 11 ‘Edlaston and Wyaston’) would not be adversely affected by the development, being sited beyond a mature hedgerow and hedgerow trees). Although the comments of the immediate neighbour regarding the orientation of the dwelling on plot 3 are noted, its position relative to and distance from Ingleborough and its height is such that there would not be significant loss of privacy between properties, nor would it be overbearing. The siting of the dwellings on plots 1 and 4, their relative heights and the position of window openings is such that there would be no adverse impact on the residential amenity of the occupants of Ingleborough or Janadi either side.
The amount of development and suitability of the location

6. One of the core planning principles in the National Planning Policy Framework is to locate new development in locations which make or can be made to make the fullest use of public transport, walking and cycling opportunities. Wyaston is a small village with minimal services and facilities. A Public House and a small garden centre / nursery are located at the northern end of the village. When these factors are considered alongside the irregular bus service which operates in the area it is clear that the location is intrinsically unsustainable and thereby the village is not considered a suitable location for significant housing growth. The nearest settlement where most day to day services and facilities and employment opportunities can be found are within the market Town of Ashbourne, some 3.5 miles away. The future occupants of any new dwellings would therefore be highly reliant on the private motor vehicle to meet their daily needs. It is, however, recognised that some infill and consolidation within smaller settlements, such as Wyaston can help sustain existing services and facilities. Paragraph 55 of the National Planning Policy Framework advises that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. It recognises that development in one village may support services in a village nearby. The modest number of new homes proposed in this case located on a brownfield site, is such that the development, subject to site assessment could be considered appropriate consolidation of the village that would help to sustain existing facilities within the village / local area and contribute to the housing needs of the wider Derbyshire Dales District. There is a requirement, however, for any development to preserve or enhance the character and appearance of the area / local landscape.

Impact of the development on the character and appearance of this part of the settlement / local landscape

7. Paragraph 61 of the NPPF advises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Paragraph 58 advises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings. The application site is centrally positioned within the village on the western side of Main Road. Some new residential development has taken place on the western side of the road, between existing, historic buildings and farm groups. These dwellings tend to be detached and set within large plots. The settlement pattern is much ‘looser’ than the more intimate housing development, on the opposite side of Main Road. The main dwelling, ‘The Firs’ is hard up against the road and is a prominent building within the streetscene. Although set back a greater distance from the road, the red brick stable / storage building to the north is also highly visible from public view. Collectively the buildings read as a traditional range of farm buildings and are in-keeping with / make a positive contribution to the local landscape / character and appearance of this part of the settlement. Whilst the proposed dwellings repeat some of the architectural features of dwellings in the village, the construction of a mini estate of four large houses accessed off a centrally positioned turning head is not considered to be a positive response to the sites context described above.
8. Taking the above into consideration and notwithstanding the benefits of permanently removing the dilapidated poultry sheds at the western end of the site and the reinstatement of the land as paddock, it is not considered that residential development in the form of a mini estate of large detached dwellinghouses would be appropriate response to context in this case and this incongruous residential development would result in significant harm to the character and appearance of this part of the settlement / countryside, contrary to the guidance contained within the National Planning Policy Framework referred to above and Polices SF5, H9 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) which align with this guidance.

*Whether there would be any problems relating to noise*

9. The Head of Environmental Health has expressed concern with regard to the possibility of noise from the motor cycle racing and light commercial aircraft activity which takes place on the airfield to the west. On-going noise complaints from nearby residents are currently being investigated. However, at the time of writing this report that activity has not been deemed to constitute a statutory nuisance and noise attenuation measures, such as triple glazing in the window frames facing in a westerly direction could help mitigate any adverse impact. It is not considered that there is sufficient justification to refuse the application on ground of noise, given that such impacts could be mitigated.

*Impact of the development on species protected by law*

10. Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. Derbyshire Wildlife Trust are satisfied that enough information has been submitted to fully assess the extent to which the development will affect protected species and are satisfied with the recommendations being put forward by the applicant in their ecology report to safeguard those species. Further conditions relating to habitat improvement are also recommended.

*Whether there would be any drainage / flood risk issues*

11. The County Council Flood Risk Team, whilst recognising that the proposals will increase the overall permeable area, issued a holding objection on the basis that the site area edged red was greater than 1ha and that technically there would be a requirement for a site specific Flood Risk Assessment. In response, the applicant has advised that the area of land where the 4 new dwellings are proposed amounts to 0.33 Ha and the works illustrate that there is no realistic possibility of any increase in flood risk elsewhere. The site is located wholly within Flood Zone 1, which is the lowest risk category and there is also ample space on the site for a SUDs scheme to be incorporated and conditioned to ensure there would be no drainage or flood risk issues associated with the development.

*Whether the development reflects local needs, particularly with regard to affordable housing and mix*
12. Paragraph 50 of the NPPF states “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes) and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….” A Housing and Economic Development Needs Assessment has been recently carried out by the District Council (September 2015) as part of the evidence base for its emerging local plan which advises that “…….. the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households and recommends the following mix of market housing:

1-bed properties: 5%
2-bed properties: 40%
3-bed properties: 50%
4-bed properties: 5%

The application is for 4 no. large detached dwellinghouses, which clearly would not meet the above housing mix or be suitable as affordable properties, the need for which is two bed roomed four person units. In response to the housing mix being recommended, the applicant advises that a scheme of four larger houses is needed to facilitate removal of the poultry sheds and allow a financial contribution equivalent to one dwelling (representing 33% of the total additional units to be provided) which they calculate to be in the region of £30,000 – £35,000 using the matrix contained within the Affordable Housing Supplementary Planning Document (2006). They also make reference to the possibility of exercising permitted development rights to convert the existing buildings on site to dwellings, without the need to make an affordable housing contribution. Giving weight to the benefits of removing the dilapidated poultry buildings and the size and number of properties required to enable this and bearing in mind the density of development being proposed, it is not considered that the failure to achieve the above mix would in itself constitute a sustainable reason for refusal. Adopted Local Plan policies do not allow open market housing outside of defined settlements and, as such, they are silent on the requirement for affordable housing in such instances. A threshold was, however, set for a contribution towards affordable housing of 33% for developments involving 3 – 24 dwellings or on sites of 0.1ha or more in the draft local plan (June 2013). In this case, the applicant is willing to make such a contribution towards the delivery of affordable housing to satisfy the above requirement and guidance set out at Paragraph 54 of the National Planning Policy Framework.

Conclusion

13. Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole. Notwithstanding the benefits of permanently removing the dilapidated poultry sheds at the western end of the site and the reinstatement of the land as paddock, the delivery of four dwellings to help meet the District Councils housing needs and a contribution towards affordable housing, it is not considered that residential development in the form of a mini estate of large detached
dwellings arranged around a centrally positioned service road would be appropriate response to context in this case and would result in significant harm to the character and appearance of this part of the settlement / countryside, contrary to guidance contained within the NPPF. It is recommended that the application be refused on this basis.

OFFICER RECOMMENDATION:
To refuse planning permission for the following reason:

1. The removal of existing attractive vernacular buildings on site and their replacement with a residential development in the form of an estate of 4 no. large detached dwellings arranged around a centrally positioned service road would be an incongruous form of development in this locality resulting in significant harm to the character and appearance of this part of the settlement / countryside, contrary to the aims of Policies SF5, H9 and NBE8 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 merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan numbered 2201-15;
1:500 Scale Existing Site Layout / Demolition Plans numbered 2201-17 and 19;
1:200 Scale Proposed Site Layout Plan numbered 2201-18;
Document Titled Design and Access Statement;
1:100 Scale Proposed Elevations and Floor Layout Plans of the dwellings occupying plots 1 – 4 numbered 11, 12, 13 and 14, and;
Extended Phase 1 Habitat Survey and Bat Survey by eyebright ecology dated September 2015 received by the District Council on the 23rd October 2015, and;
The emails from the applicants' agent received on the 24th December 2015 and 5th January 2016.

BACK TO AGENDA
Cavendish Cottage and Land Off Derby Road, Doveridge

Derbyshire Dales DC
Date: 05/01/2016
100019785

1:2,500

Crown Copyright and database rights (2015) Ordnance Survey (100019785)

Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 701100,
website: www.derbyshiredales.gov.uk
Parish Council: Doveridge          Date of receipt: 05.08.15
Application type: Outline         Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:
The application site relates to 1.89 hectares of land largely enclosed by hedging and trees. Old Marston Lane which is a narrow lane of semi-rural character runs along the northern and western boundaries of the site. Derby Road is located to the south of the site and Marston Lane to the east. The site is relatively level and has been used for paddock and as a caravan site in recent times. A detached dwelling known as ‘Lyndene’ is located to the north western side of the site accessed via Old Marston Lane; this property is to remain unaltered by the proposed development. Two dwellings of red brick and two storeys in height are located to the frontage of the site and are known as ‘Cavendish Cottage’ and the ‘Former Doveridge Community Police Station’. These dwellings are likely to be demolished as part of the proposals.

There is a non-designated heritage asset on the site which is a ridge and furrow field system. To the south west of the site on the opposite side of Derby Road is a designated heritage asset, the grade II listed Cavendish Arms Public House which fronts towards Cook Lane and is in close proximity to the application site.

THE APPLICATION:
Outline planning permission is sought for the erection of up to 46 dwellings on the site. Access was to be considered as part of the proposal originally, however when considering access under an outline application the internal road layout of the site also has to be considered. Due to concerns regarding the internal layout of the site, the access has been removed from consideration. The application is therefore an Outline application with all matters reserved for subsequent approval.


The key points of these documents are as follows:
Bat survey report:
Recommendations and conclusions of the report – Habitat loss:
Building – B1 and B2 are proposed for demolition. No bats have been recorded roosting in the buildings. No licence will be required in this respect. Bat boxes and bat bricks are recommended to enhance roosting opportunities
Hedgerows – the majority of hedgerows will be retained but the central hedgerow will be removed. This will result in loss of commuting habitat for common and soprano pipistrelles. Replacement planting is proposed, this should be a mix of more mature specimens. A management plan to retain new hedgerows and habitats should be produced to ensure their longevity and maintain functionality for bats.
Trees - mature trees will be retained therefore no loss of potential roost features. In order to avoid loss of trees during construction a root protection area will be necessary. Night time lighting of trees should be avoided. The management plan should also relate to trees.

Other habitats – 1.58ha of species poor semi-improved grassland, 0.07ha of amenity grassland and three fruit trees and a small area 25m² of tall ruderal vegetation in the north east corner will be lost. This will reduce foraging habitat particularly of the ruderal vegetation. However this loss of habitat is of a small area and the retained hedgerows, trees and the adjacent orchard will maintain suitable foraging habitats, native planting and gardens will provide additional foraging across the site.

Disturbance:
Lighting – increase in lighting is unlikely to affect pipistrelles but may reduce suitability of habitats for myotis species. A lighting plan will be required for ensure habitats will remain suitable for this species.
A management plans for the landscaping of the site will be required which should incorporate root protection areas.

Flood risk assessment and drainage strategy
The report has been prepared in conjunction with DCC, DDDC the Environment Agency and Severn Trent Water.
The site of 1.915ha is located exclusively in flood zone 1.
The proposal is for residential development which is considered more vulnerable. This type of land use is acceptable in flood zone 1.
The FRA has assessed all potential flood risks to both proposed and existing development; as a result of the relatively low flood risk from all sources reviewed, the focus of the FRA is on effective management of surface water drainage.
Due to ground conditions infiltration is unlikely to be viable for this site, if this is proved to be the case following investigation then the surface water flows generated by the development would be discharged to the watercourse to the east.
Further investigations are required to confirm connectivity of this watercourse in order to establish whether this is a sustainable means of dealing with surface water.
There are no proposals to discharge to the public sewer network; this would be an alternative outfall method if all other methods are not feasible.
It would be beneficial to implement a wider community green space/POS area with some SuDS features to offer attenuation during storm events.
A detailed design for conveyance and connection with the public sewer for foul water flows to confirm feasibility based on topographical levels, further investigation is required and discussion with Severn Trent Water.
Consultations that have taken place with Severn Trent Water have not raised any existing sewer flood risk issues or historical flooding in the immediate area as a result of overloaded sewers.
Mitigation measures proposed

Landscape and visual appraisal with development recommendations
– To accord with plan policy the development must:
  - Be designed to be appropriate and well-related to the surrounding landscape and built context in terms of scale, massing, density, height and materiality.
  - Retain existing landscape features; ensure a landscaping scheme is produced incorporating amenity area replacement trees to be planted for the loss of trees.
  - Ensure development edges are softened, northern and eastern boundaries.
• Ensure belts of screen planting and green infrastructure, links to new areas of public open space
• Include substantial verges for new large trees and shrubs.

– At national level the site is within Needwood and South Derbyshire Claylands, localised impacts but no perceptible effects on the wider character area or any features of merit.

– At county level the site is identified within the Settled Farmland character type.

– Management of landscaping required, the site is flat, largely pastoral fields managed as camping site and horse pasture, bounded by hedgerows and trees

– Beyond the site the adjacent landscape is largely pastoral agricultural land to the north and the village to the south.

– Red brick is largely used on the area; the adjacent listed building is rendered.
– The A50 has had an impact on the tranquility of the setting

– Intervisibility of the site is largely restricted to the site itself and the immediate surroundings. Wider views are limited by the flat landscape and boundary vegetation.

– Details of design can be considered under reserved matters

The Landscape Character of Derbyshire Dales document has also been included in this appraisal.

Ecological assessment
No statutory or non-statutory nature conservation designations will be affected by the development.
The development will result in the loss of 0.07ha of amenity grassland, three buildings, 1.58ha of species poor semi-improved grassland and 25m² of ruderal vegetation, three fruit trees and 73m of hedgerow. Habitats of high ecological value are retained and will be enhanced through further planting; a native species rich hedgerow through the centre of the site will compensate for this loss and help maintain habitat connectivity. Impacts to legally protected species would be avoided by retention and enhancement of hedgerows around the periphery of the site and implementation of reasonable avoidance measures (RAMs), this would also provide habitat for amphibians. Retention of trees and hedgerows along with additional planting will maintain and enhance opportunities for bats and birds. A lighting design will have to be carefully considered

Impacts to nesting birds will be avoided through timed vegetation clearance and building checks. Bird boxes will enhance opportunities for birds.

Appropriate worded planning controls should include:
• A mitigation strategy to avoid impacts on badgers, bats and great crested newts (GCN) and nesting birds along with lighting design and new habitat creation
• Appropriate landscape design to maximise biodiversity
• Secure RAMs to avoid potential impacts on GCN and reptiles
• Timing of works for staged clearance of hedgerow.
Tree quality survey and development implications
- A root protection strategy is required in accordance with BS 5837 to be submitted during the detailed design stage
- Hedgerow and tree stock to the boundary would benefit from selected thinning of ivy and brambles, associated re-stocking with native standards and clearance of non-natives. Remnant fencing within hedgerows should be carefully removed.
- Care should be taken during removal of vegetation/fencing to avoid damage; removal work should correspond with recommendations in other reports
- Where hedgerows retained these should be appropriately maintained, cutting on a 2-3 year rotation
- New planting should take place between October and March
- The bird nesting season should be avoided
- A detailed work table of recommendations is noted

Report on existing noise climate
Recommendations:
All habitable rooms throughout the development be provided with:
Proprietary thermal double glazing with a minimum rating of Rw 31. These relate to the window as a whole including frame and furniture.
Proprietary wall or window mounted trickle vents to achieve background ventilation, all vents should have a minimum rated sound reduction of Dnew 31.
The boundaries of the gardens directly adjacent to Marston Lane or Derby Road be provided with solid barrier fencing of minimum height 2m above road level. This barrier should be continuous to ground level with no significant gaps and have a minimum mass of 10kgm⁻²

Conclusions:
The noise climate is primarily determined by the passage of vehicles along Marston Lane bordering the east of the site. This noise is significant throughout the day and night. Additional noise is generated by vehicle flows on other nearby roads whilst general background noise levels are determined by the A50 which lies to the north of the site but is within a deep cutting.
BS 8233 requirements within dwellings can be achieved by use of appropriate acoustic rated windows and vents.
The survey data indicates that all gardens will achieve the BS 8233 preferred criteria is if provision is made for screening of those gardens that are adjoining adjacent roadways.

Transport statement
It is proposed to rationalise the existing site access points off Derby Road and provide one formal access junction linking the site to the surrounding highway network. Pedestrian and cycle access will be provided for at the proposed site access junction off Derby Road as well as pedestrian and cycle access only to the north of the site off Old Marston Lane.
The site is accessible by a variety of sustainable modes of travel including walking, cycling and public transport.
It has been demonstrated that the proposed residential scheme will have minimal impact on the surrounding highway network during the typical weekday peak hours and throughout the day.
The proposed site access and internal layout has been designed to cater for pedestrians, cyclists, cars, larger refuse/delivery vehicles.
There are no material reasons why the development should not be granted planning consent on highways or transportation grounds.
Geophysical Survey Report
The survey detected no anomalies of archaeological potential, apart from the ridge and furrow cultivation which was also observed on the ground. A former field boundary is visible in the results as is an area of magnetic disturbance and numerous ferrous responses; the latter two are likely to be due to the relatively recent equestrian activity. Nothing else of archaeological interest was observed in the data.

Heritage Assessment
The Cavendish Arms is a Grade II Listed building and is currently screened from the application site by a band of trees and bushes. The current master plan for the site indicates that this screening is to remain therefore the impact of the development on the listed building is negligible. There is no intervisibility between the site and the remaining listed buildings within the locality. The medieval ridge and furrow was evident as earthworks during a site visit. Although they are well preserved they are only a small component of a much larger unit that has already been partially destroyed by the construction in 1996-7 of the A50 dual carriageway and its link road Marston Lane. Evidence confirms that the site was always used for agricultural purposes in medieval and post medieval periods. No further archaeological investigation is required. A detailed history of the area is given along with maps to demonstrate this.

An additional assessment was carried out to satisfy the requirements of paragraph 128 of the National Planning Policy Framework. That further assessment noted the following key points:
− Both fields on the site contain earthwork remains of ridge and furrow cultivation which would be lost through the development.
− The open field system of agriculture was prevalent in much of lowland Britain until the early post-medieval period.
− A map of 1821 shows the enclosed fields comprising the application site which was part of four north/south aligned fields whose north-south boundaries echoed the sinuous line of the ridge and furrow.
− This block was split with the construction of Marston Lane in the 1990’s which crosses the Doveridge by-pass (A50) to the north of the site.
− It is possible that the larger block of land east of Marston Lane may also have all been part of the same open field.
− The largest blocks of surviving ridge and furrow lie to the west of Doveridge along the Dove river valley although there are substantial areas surviving to the east and north of the village.
− The earthworks on the site are well preserved but they are only a small component of a much larger unit that has already been partially destroyed by the construction of the A50 and its link with Marston Lane.
− The existing properties on site and their curtilages have also encroached upon the area. Therefore the area of ridge and furrow has already been fragmented.
− The ridge of furrow is not an uncommon feature in the parish and its rarity is classed as medium.
− Substantial tracts of ridge and furrow can be found flanking the river Dove, these are more fundamental to the setting of the medieval settlement.

Design and access statement
This statement includes a description of the site, the sites history, photographs of the site and surroundings. A detailed national and local planning policy context is provided.
Details and features of the existing site are shown in plan form. Detail of the proposed road and access are shown in plan form along with a description of the proposed development including layout and design concept. A Landscape Character Assessment and a Landscape Strategy Statement has been provided.

Conclusion:
The site is ideally located in Doveridge and is adjacent to existing residential areas. Such a development should integrate and enhance the existing context of housing to the south and northwest of the site. The creation of residential frontages along Derby Road would improve the approach, street scene and improve safety through overlooking.

The development of the site should not cause significant or detrimental harm to the character and visual amenity of the village. Whilst the proposal will lead to the loss of some limited sections of hedgerow, the character attributes of the surrounding landscape will not be altered by the proposed development and the site has capacity to absorb such change and enhance the arrival into the village along Derby Road.

Planning statement
The planning statement includes a detailed site description and planning history, a detail of the proposed development and an assessment of planning policy relating to the development. The report then goes on to summarise the above reports.

A further statement on housing mix noted that:
At this stage the indicative layout shows a mix of 3, 4 and 5 bed units. This plan / mix is indicative only and we are not seeking approval for the mix or layout of units. This will clearly be a matter for any future reserved matters application(s). It is likely that the site will be delivered via a joint venture / housebuilder. In light of this the future layout and mix of units which will comprise the reserved matters application will be reviewed in light of the current recent Housing and Economic Development Needs Assessment. However, the location, nature and setting of development sites may also affect the mix which is appropriate within individual development schemes.

RELEVANT HISTORY:
0298/0064 Change of use of part of petrol station to community police office – Granted
0790/0622 Petrol storage tank and canopy – Granted
0187/0002 Toilet block – Granted
0386/0153 Touring caravan site – Granted with conditions
WED/878/558 Caravan site – Refused
ASR1066/9 For closure of existing petrol filling station on completion of Doveridge by-pass and construction of straddle site petrol filling station on new by-pass – Refused

CONSULTATIONS:
Parish Council – Object. The Parish council have commissioned a detailed response to the proposal, the main points of this report are noted as follows:
- The proposal is contrary to the saved local plan and national planning policy guidance.
The development would constitute inappropriate development outside of a defined settlement boundary in the countryside contrary to Policies SF4 and H4 of the Derbyshire Dales Local Plan and policies of the NPPF.

Whilst submitted in outline the indicative layout and house types are out of scale and character with the village and do not respond to local character and history nor do they reflect the identity of local surroundings and materials. Therefore contrary to Policy SF5 of the Adopted Derbyshire Dales Local Plan

No commitment to the much needed community or utility infrastructure, therefore contrary to policies CS8 and CS9 of the Adopted Derbyshire Dales Local Plan

Out of date evidence has been provided to demonstrate that the site and any future occupiers would not be adversely affected by noise pollution from the A50 to the north. In the absence of up to date information the development would be contrary to NPPF and NPPG

Insufficient evidence provided to demonstrate that the development would not have an adverse impact upon the setting of grade II listed Cavendish Arms. In the absence of such information the proposal is contrary to Policy NBE16 of the Adopted Derbyshire Dales Local Plan and the NPPF.

Due to the impact of the development upon the designated heritage asset the relevant restrictive policies of the NPPF, Footnote 9 to Paragraph 14 is therefore not engaged

Should the developments at Derby Road and Bakers Lane be granted permission then the cumulative effect would be so significant (116) dwellings that to grant planning permission would undermine the plan-making process by predetermining decision about scale, location or phasing of new development that will be central to the emerging local and neighbourhood plan. This will be further exacerbated by another proposal expected to come forward in Doveridge. Planning permission should be refused on the grounds of prematurity.

Derby Road forms part of national cycle route 54 and the proposed access has the potential to be a danger, due to increase in traffic, to cyclists using this route. The use of Marston Lane would be preferable and would reduce traffic on the Derby Road, Marston Lane roundabout.

The report goes into further details regarding the principle objections as follows:

- There are bus services running to Burton upon Trent and Uttoxeter, the Sunday service of these routes is very limited
- The local services and facilities are limited, only a post office and general store, most shopping and facilities will be from other settlements. There is a village hall, village club and public house.
- The primary school has a maximum admission of 16 pupils per year and there is currently a surplus capacity for 23 pupils, the number of pupils on roll will decrease to 48 during the next 5 years
- At age 9 pupils at the primary school have the option to move to the middle schools in Uttoxeter in Staffordshire County. There are plans for 1,557 dwellings in Uttoxeter and the pressure on middle Schools is likely to lead to additional pressure on Doveridge Primary School leaving Doveridge residents with no freedom of choice.
- The secondary school for this area, Queen Elizabeth Grammar School in Ashbourne, is 14km from the site. Whilst a school bus is provided it is more attractive to travel by car.
- Employment opportunities in the village are limited. The 1500 residents in the village mostly travel outside the village for work.
- As most residents travel by private car, this weighs against the proposal.
The site was put forward in the draft local plan for 27 dwellings including affordable housing that would benefit the elderly and young people within the village. This was also the preferred site in the draft neighbourhood plan.

The proposal is contrary to policies SF4, SF5, H4, NBE16, CS8 and CS9 of the Adopted Derbyshire Dales Local Plan

Paragraphs 7, 8, 14, 17, 28, 29, 30, 32, 34, 35, 37, 49, 56, 58, 60, 61, 64, 69, 72, 73, 109, 132 and 133 of the NPPF are relevant to this proposal. The proposal fails to meet the requirements of the NPPF

The scale, density, massing, height and layout of the dwellings do not preserve or enhance the quality and local distinctiveness of the surroundings. The indicative house types are inappropriate and of materials that are out of context. The dwellings would have an overbearing impact upon Lyndene

The layout gives a priority to vehicles

Access onto Marston Lane would be preferable as this would reduce traffic at the roundabout on Derby Road/Marston Lane.

There is no acknowledgement of potential impacts of the proposed development on the grade II listed Cavendish Arms, there is insufficient assessment of this matter

When combined cumulatively with other development proposal in the village the impact on infrastructure will be major and new community facilities will be required.

There is pressure on local playing fields

There is no health facility in the village

Existing foul sewerage is inadequate

Lack of gas supply is a concern

The application is premature and a positive determination would undermine the plan-making process by predetermining decision about the scale, location or phasing of new development that will be central to the emerging local plan or neighbourhood planning.

The submitted noise survey was undertaken in 2012, nearly three years ago, and therefore may not reflect the current prevailing noise conditions experienced on the site. There is insufficient information to make a balanced judgement.

Due to the impact on the designated heritage asset the pre-weighted balance set out in paragraph 14 is not engaged.

The proposal would fail on the grounds of social, economic and environmental sustainability.

A draft of the neighbourhood plan was also submitted as part of the objection.

**Derbyshire County Council (Strategic Infrastructure) -**

- First response

Request that the development be afforded access to high speed broadband services and that new homes be designed to Lifetime Homes standard. Advises that a note be attached to any permission in this regard.

In relation to education the proposed development falls within and directly relates to the normal areas of Doveridge Primary School and Queen Elizabeth’s Grammar School. The proposed development of 46 dwellings would generate the need to provide for an additional 9 primary school places, 7 secondary school places and 3 post-16 education places. The County Council projection of pupil roll numbers were updated in January 2015.
Doveridge Primary School has a current net capacity of 105 pupils and currently has 82 pupils on roll. Projections indicate that the number of pupils on roll will decrease to 48 during the next 5 years. Queen Elizabeth’s Grammar School has a current net capacity of 1,384 pupils and currently has 1,301 pupils on roll. Projections indicate that the number on roll will decrease to 1,197 during the next 5 years.

As a result of this the County Council would not wish to request a financial contribution towards the provision of education at this time.

- Second response

A more detailed response to the need for school provision in relation to the extent of development in Doveridge has been provided as follows:

Derbyshire County Council has been consulted on three applications for residential development relating to sites in Doveridge. In summary these are: 15/00389/OUT for 70 dwellings on land to the east of Bakers Lane; 15/00570/OUT for 46 dwellings at Cavendish Cottages and land off Derby Road and 15/00739/OUT (for 85 dwellings) at land at Derby Road, Doveridge.

Your letter expresses concern regarding the level of development proposed in the vicinity of Doveridge (and the wider Ashbourne area) and the ability of the relevant normal area schools, in this instance Doveridge Primary School and Queen Elizabeth’s Grammar School, to accommodate all the additional pupils that may be generated by those developments. It also seeks reassurance that Derbyshire County Council has factored in, not only this anticipated growth, but the localised trend for Year 5 and 6 pupils from Doveridge to transfer to Uttoxeter schools for their remaining primary phase education, into its calculations.

Doveridge Primary School has a net capacity of 105 pupils and currently has 82 on roll. Projections indicate that this number will decrease to 48 over the next 5 years. This would effectively create sufficient capacity to accommodate 57 pupils. Looking solely at the three applications on which we have been consulted, a combined total of 201 dwellings would generate the need to provide for a total of 40 primary pupil places. Based on the figures above, it is clear that there would be sufficient capacity to accommodate all the primary phase pupils generated by these developments.

Looking at Queen Elizabeth’s Grammar School (QEGS), it has a net capacity of 1,384 pupils and currently has 1,301 pupils on roll. Projections indicate that this number will drop to 1,197 pupils over the next 5 years. 201 dwellings would generate the need to provide for an additional 42 secondary phase pupils (30 x secondary and 12 x post-16). Based on the above, it is clear that would be sufficient capacity to accommodate the additional secondary phase pupils generated by these developments and still leave a surplus of 145 pupil places.

The above analysis in respect of QEGS is based solely on development proposed within Doveridge. I acknowledge that QEGS has an extensive normal area and draws pupils from much of the south of Derbyshire Dales District. Even taking recent planning permissions within the normal area into account, I am satisfied that there would still be sufficient capacity at the school to accommodate the additional pupils.
Derbyshire County Council’s pupil number projections are updated annually and are based not only on the Schools census but NHS figures relating to new births registered in the normal area. Using this approach Derbyshire County Council’s pupil number projections are accurate to 0.5% (as opposed to the +/- 5% leeway that the Department for Education allows Local Authorities). With that in mind, we are satisfied that the projected pupil numbers set out in our letters dated 3 August and 24 September in respect of planning applications 15/00389/OUT and 15/00570/OUT provide an accurate picture of the situation as it currently stands.

**DDDC Head of Housing** - Recognising the desire to achieve on-site contributions and with very limited opportunity to meet the affordable housing need in nearby parishes, as well as taking into account that Doveridge acts as a service hub in the southern part of the District, we would like to see an on-site affordable housing contribution.

Our recommendation is for 8 homes on site with the remainder as an off-site financial contribution. The following mix of homes will meet local need: 4 x 2 bed 4 person bungalows built to Lifetime Homes Standard (not age designated) and 4 x 2 bed 4 person houses.

This figure is in addition to the 11 affordable homes proposed on the Land off Derby Road (app ref 15/00389/OUT) and assumes some natural phasing between the 2 schemes. We know from carrying out housing need surveys in parishes that a higher number of people are in housing need than our Home-Options data indicates.

**Local Highway Authority** – The site currently under consideration as part of this application has previously been looked at as part of your Authority’s housing availability assessment, for your Local Plan (site reference DOV2 refers). The Highway Authority considered access to the site could be gained from Derby Road. From a highways perspective the preferred access is to Derby Road and that is what appears to have been shown as part of the outline application proposals.

The site has a considerable roadside frontage to Derby Road and the indicated location of the proposed access is considered to provide an acceptable degree of separation from the existing roundabout junction to the east and acceptable levels of visibility. No additional or intended vehicular access points are shown from Marston Lane or Old Marston Lane.

Comments have been limited to the proposed access only not the internal road layout. It is also noted that the access as drawn on the master-plan drawing does not truly reflect the highway layout as found on site, any modified designs should therefore be undertaken on topographical surveys and not the OS based plans presented.

A detailed assessment / comment on the internal layout will be dealt with at a future reserved matters stage and appropriate conditions can be formulated on this basis.

There are existing bus stops in close proximity to the site on Derby Road and Marston Lane, providing public transport options for future residents. It would be prudent to provide a pedestrian connection point to Old Marston Lane, to the north
of the site, to provide a commodious route to the bus stop on Marston Lane (to avoid an extended walking route and having to crossing the road a number of times).

Based on the evidence and information currently available, it is unlikely the Highway Authority would be in a position to support or defend a reason for refusal of planning permission, on technical grounds, on the basis that the development would result in severe harm on the highway network (with reference to Paragraph 32 of the National Planning Policy Framework). Therefore, I would recommend conditions and footnotes.

Due to queries raised with regard to parking and highway safety the following additional information has been provided by the Local Highway Authority:

Given the proposed scale of development on this site guidance suggests that the applicant did not need to submit any form of transport analysis to support the application. However, a transport statement was included to assist the Highway Authority. The statement has been carried out in accordance with relevant guidance.

Where transport assessments / statements are provided to support planning applications the content is considered by the Highway Authority. Whilst the Highway Authority may not agree with every part of the documents content, providing the summary / conclusions are sound and robust, the Highway Authority do not require developers to alter minor details that ultimately have no effect on the conclusion. The Highway Authority had no valid technical reasons to challenge the conclusions of the statement.

There are no rights to park on any public highway – the highway is for pass and re-pass only. If parking at the carriageway edge was considered to be a highway safety concern the Highway Authority have it in their powers to introduce roadside parking restrictions to prevent parking at the carriageway edge, if it was deemed necessary. The time of the traffic surveys and increased roadside parking would therefore be largely irrelevant as there would be measures available to deal with this issue if it was considered to be a highway safety problem.

**Derbyshire County Council Minerals Team** – Require the applicant to provide supporting information which assesses the quantity and quality of underlying sand and gravel and the viability and practicality of extracting the mineral prior to or as part of the development of the site.

The applicant subsequent submitted additional information in this regard which concluded that there is an overriding need for the development and that the prior extraction of the Mineral Reserve at the site is neither feasible and or viable. As such the development complies with the provisions of Policy MP17 of the Derby and Derbyshire Minerals Local Plan (2000)

This additional information satisfied the Minerals Team and they have no further comments to make regarding the proposal.
Environment Agency – From April 2015 Lead Local Flood Authorities became a statutory consultee when considering planning application for major developments. Therefore the EA has no comments to make.

Derbyshire County Council Flood Team – The applicant has not submitted a robust strategy detailing how surface water run off generated from the development will be managed. The flood risk assessment notes that SuDS principles will be used in the reserved matters stage. A maintenance plan would also be required for this detailing who is responsible for the maintenance of the system. An analysis of the suitability of the drainage ditch/water course to receive surface water from the site is required. An appropriate ground investigation for surface water would also be required. Recommend conditions.

Derbyshire Fire and Rescue – Recommend the installation of a domestic sprinkler system. If this is not installed require a minimum 32mm water supply capable of delivering the required volumes which would allow installation to be carried out.

Environmental Health – Having considered the outline planning application and the noise assessment report I do not have any immediate objections, provided the design and layout of the properties and other noise attenuating methods, will minimise the impact of the measured noise levels from road traffic.

As this is an application for residential properties ideally I would like to see a contaminated land report/ desktop study submitted with the full application in order to ensure that risks from land contamination (if any) to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

The UK radon map for Doveridge has been checked and this does not highlight any concerning radon levels in the area.

Further comments provided in response to neighbour concerns:
The A50 is a prominent noise source in the area and the submitted noise report could have considered this in more detail. However, I do not think that the proximity of a major road such as the A50 is alone a factor for refusing the development of residential properties. Providing noise attenuation methods, such as the siting of the dwellings, the positioning of noise sensitive rooms such as bedrooms and the use of appropriate acoustic rated windows for example, are considered and agreed on during the planning and design stage I have no immediate concerns or objections for this application.

Derbyshire Wildlife Trust – In the initial comments the bat surveys undertaken were considered to be acceptable and the recommendations of the ecology surveys supported. The comments required hedgerows to be retained outside of the domestic boundaries to ensure appropriate management. Further information was required in terms of birds and newts on the site. Further to our consultation response dated 22nd October 2015 and the subsequent comments from Hayley Care of Tyler Grange received by e-mail dated 30 October 2015 a site visit was undertaken on 13th November 2015 to inform our further comments.
The main issues highlighted in our previous consultation response relate to the potential impacts of the proposed development on breeding birds and great crested newt.

**Breeding Birds**

Following our site visit we concur that the site is unsuitable for ground nesting bird species such as skylark.

The hedgerows present on the site provide suitable nesting habitat for birds and, as such should be retained, wherever possible. Any sections, where removal cannot be avoided, should be compensated for by replacement planting within the scheme to ensure there is no net loss of hedgerow habitat. All retained hedgerows should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works.

While we acknowledge the outline nature of the proposal we do not support the layout as shown on the Masterplan in relation to the use of the existing retained hedgerows and the proposed new hedgerow to form the garden boundaries to the new residential plots. By taking this approach, the long-term retention and appropriate management of the hedgerows as a contiguous feature cannot be safeguarded or guaranteed with the result that their wildlife value will be diminished.

The wooden field shelter which is proposed for removal to facilitate the development was identified to be used by nesting swallows. We would therefore advise that alternative nesting opportunities should be provided for this species in accordance with a scheme to be submitted to and approved in writing prior to the commencement of works as a condition of any permission. The approved scheme shall be implemented prior to the first occupation of the development. It must be noted by the developer that the nesting requirements are very specific and would need to be provided within an open structure on the site and cannot be provided by simply erecting nest cups on the exterior of buildings. To avoid harm to nesting birds we would advise that a condition is attached to any consent.

**Great Crested Newt**

In our previous consultation response we advised that insufficient consideration had been given to the potential impacts of the proposed development on great crested newt given the presence of a pond at a distance of approximately 103 metres to the north of the application site. Habitats on the proposed development site, particularly the internal hedgerow proposed for removal, provides suitable terrestrial habitat for great crested newt, if present.

The site visit carried out by the Trust on 13th November 2015 identified the pond as being located within a smallholding and used by a number of domestic ducks with the surrounding land used by chickens. The water quality as a result of the disturbance by ducks is poor and there is a lack of aquatic vegetation within the pond and therefore the pond is considered to be suboptimal for great crested newt. Given the low likelihood of great crested newts being in the immediate area and being affected by the proposed development we are satisfied that no further survey work for this species is required. As a precautionary measure, any risk should be minimised through the implementation of the GCN Reasonable Avoidance Measures detailed in Appendix 4 of the Ecological Assessment report which should be secured by a condition attached to any consent.

**Development Control Archaeologist –**

- Initial response:
The site contains a heritage asset in the form of ridge and furrow earthworks of medieval date (HER 19123), which – together with other areas of ridge and furrow north of Doveridge – form part of a coherent block of the medieval open field system of the village. The earthworks were mapped using aerial photographs from 1948, so there is a high probability that the extent and significance of this asset has declined in the intervening period as elements have been ploughed out. Two elements within the proposal site have a SHINE record (Natural England’s heritage inventory) accorded ‘medium’ significance, so there are clearly some areas of upstanding earthwork surviving within the site.

With regard to below-ground archaeology, there is a HER record for a prehistoric socketed Bronze Axe (HER 19128) found about 200m to the north-east, and numerous detector finds of medieval coins in an area to the east (Portable Antiquities Scheme). There is consequently some potential for previously undiscovered archaeological remains within the site.

Because this archaeological potential – and the known earthwork ridge and furrow – have not been addressed within the planning application, the application does not at present meet the requirements of NPPF para 128, that the significance of heritage assets be established and the development impacts thereon understood.

To address this omission the applicant should submit a heritage impact assessment for the site, to include 1) walkover survey and assessment of significance of the earthwork ridge and furrow, in the context of the wider landscape north of Doveridge 2) geophysical survey (detailed magnetometry).

Once this information has been submitted I should be re-consulted on the application. In the meantime I maintain a holding objection on grounds of non-compliance with NPPF para 128.

- Second response

Below-ground archaeology

The geophysical survey has picked up no archaeological features other than ridge and furrow. On the balance of probability this suggests that archaeological potential is low and I am satisfied that there is no further requirement with regard to below-ground archaeology under the policies at NPPF chapter 12.

Earthwork ridge and furrow

Although there is now some photography of the earthworks, and some discussion of the surrounding HER records of ridge and furrow, there is nothing in the DBA document that could be interpreted as a statement of significance. There is no mapping of the site or plotting of earthworks to give a sense of differing preservation across the site and in comparison with other local earthwork sites, nor is there discussion of relationships with other elements of historic landscape (field boundaries, hedgerows etc). In determining the application the Local Planning Authority will need to understand how the ridge and furrow resource contributes to historic landscape value north of the village and compares in terms of scale and preservation with other nearby sites, relevant both in terms of its significance as a heritage asset and in terms of contribution to landscape value. This aspect of the application does not therefore meet the information requirement at NPPF para 128.
Recommendation
The applicant should provide further information to allow proper assessment of the contribution made by earthwork ridge and furrow on site, as discussed above, in pursuance of the aims of NPPF para 128 and understanding of landscape value.

• Third and final response

Below-ground archaeology
The geophysical survey has picked up no archaeological features other than ridge and furrow. On the balance of probability this suggests that archaeological potential is low and I am satisfied that there is no further requirement with regard to below-ground archaeology under the policies at NPPF chapter 12. (As previous comments)

Earthwork ridge and furrow and historic landscape
The additional study allows us to understand the significance of the ridge and furrow on the site in the wider context of the landscape around Doveridge. The conclusions are that this wider landscape north of the village is increasingly fragmented as former earthworks have been subject to arable ploughing. The earthworks on the current site are well-preserved across part of the area – probably some of the better-preserved earthworks around Doveridge. However, the landscape coherence of this block is impacted by its separation by the modern roads from its former landscape context, and by the overall fragmentation of the wider ridge and furrow pattern. It appears from the additional work that there are more coherent and extensive areas of ridge and furrow (for example west of the village) with at least comparable preservation.

The ridge and furrow is therefore well-preserved (over part of the site) but does not form part of a large or coherent surviving block. It therefore has local significance and amenity value, but it does not have the attributes necessary to argue regional/county importance. Earthwork ridge and furrow and historically ‘important’ hedgerows on the site may also contribute towards the landscape/historic landscape value of the site. The locally significant earthworks and the concurrent historic landscape value would be lost as part of the proposed development.

Recommendation
The Local Planning Authority should consider the loss of locally significant heritage assets (ridge and furrow earthworks and historic landscape value in association with historically ‘important’ hedgerows) when determining the planning application. The planning balance should be carried out under NPPF para 135, weighing losses against benefits.

Severn Trent Water – No comment received

REPRESENTATIONS:
51 letters of representation have been received from 48 parties; the concerns raised are as follows:

Policy matters
Brownfield sites should be favoured
These applications are a result of the failure of the Council to get a development plan agreed
Get the development plan adopted as soon as possible as this process is undemocratic
Put applications on hold until a plan is completed
This site was initially considered for 27 dwellings this has now almost doubled
The sustainability of the village is in question, no doctor’s surgery, a small school, no regular buses, no jobs in the village – no buses to Matlock or Ashbourne
The site is outside the settlement
Why aren’t other villages being targeted for development
A new town or model villages should be considered to accommodate all the required new housing
Residents have not been consulted on this proposed development
No affordable houses are proposed
There is significant local opposition to this proposal
Not in accordance with the Doveridge Neighbourhood Plan
This is overdevelopment
The southern part of the District should not be overspill for Derby
In rural communities the free for all house building frenzy is very worrying
The density of housing as shown is too great
Adverse impact on long terms sustainability of the existing infrastructure
This application is being considered without reference to the Bakers Lane application or the development at the Hall Drive site
Fragmented and piecemeal submission of applications which the Council will only consider in isolation
Car journeys are necessary from here to places of work
Village lanes cannot cope with the increase in vehicles
The number of houses on this site should be reduced
The draft local plan raised issues of capacity in terms of schools, transport links, sewerage and traffic noise
The increase in housing should be shared equally across the County
The draft local plan should be considered
There is an alternative site in Uttoxeter of 5 acres which has planning permission – this would meet the requirements of the NPPF
Land of lower value should be allocated
What is the cap on numbers of dwellings to be in Doveridge? Villagers are outraged by this - there is also DDDC plan showing up to 10 SHLAA sites
The need here is for older person dwellings and starter homes, these are not proposed
Loss of the caravan club site is a loss for the community in reduced visitors
Doveridge is not the right location for affordable housing due to the difficulties with public transport, employment opportunities and full to capacity health and education facilities
Green belt is important
Doveridge will become a small town
Residents would have to rely on the private car

Character and appearance
The development of green field sites would irreversibly damage the character of Doveridge
Further development of the school will harm the landscape
If all applications for development in Doveridge approved this will markedly change the characteristics of our village
The development will harm the beauty of the area
The proposed housing will be a blot on the landscape
The development will harm the appearance of the approach to the village
The village will become a building site for years to come
The size of the development is not in keeping with the character of the village
Harm the character similar to the expansion of nearby villages of Hilton and Hatton
Ancient hedgerows, the footpath network and trees could all be affected by the proposal
The development is out of scale with the village
The development is out of keeping with the visual, historic, archaeological and agricultural roots of Doveridge
Three storey houses would be out of character
Limited open space is to be provided
Loss of Cavendish Cottage as a traditional dwelling
The layout is a carbuncle of a design
The design does not consider local architecture
The countryside in this area should be preserved for future generations

Highways
There is already traffic congestion, particularly near the school, this will only get worse
The increased traffic at the entrance to the village will damage its character and drive away tourists who are vital to the village economy
Concerns regarding the safety of cyclists and pedestrians
Inadequate parking is shown on the proposed layout
No east bound access to A50 leading to more traffic through the village
Increase need for parking in the area would harm highway safety
There are limited pavements through the village making the additional cars a danger to pedestrians
Only one entrance/exit which will become congested
Increased traffic along the ‘Old’ Derby Road
The access is too near the roundabout, causing a hazard
An access onto Marston Lane would remove some of the highway issues
The bus has to go through difficult manoeuvres due to congestion in the village, particularly at the school
Narrow lanes through the village which cannot be widened
The two developments in Doveridge would add an additional 191 vehicles to the village, an increase of 14%
There are errors in the transport statement (train stations)
Overtaking the many parked cars will be a hazard to existing driveways and road users
The further developments proposed in the area will further exacerbate traffic issues
Access to Marston Lane would be better

Capacity
The cumulative effect of this development will outweigh any benefits of well-designed housing schemes
The villagers accept that some development is inevitable but villagers now have to fight each application that arises in order to preserve the village and community
The school cannot take more and more pupils
The school is already inadequate in terms of classroom provision, some of which has to take place in the school hall, it cannot take more pupils
The GP practices used locally are at capacity, it is difficult to get appointments
Bear in mind the planned developments in Ashbourne and Uttoxeter in regard to capacity
There have been two other applications for development making an additional 196 new dwellings in the village, increasing the village by 30%
The school places available at the Primary school are in years 5 and 6 as many children move to a middle school in Uttoxeter
Any expansion of the school in Ashbourne would result in the loss of school playing fields
Doveridge cannot cope with the proposed increase
This increase in Doveridge is not fair, reasonable or logical
Sewage capacity is an issue with sewers often overflowing
There is no mains gas supply
There are often flickering lights due to electricity capacity
Dental practices at capacity
Broadband is already limited
Concerns with the water supply
The two developments in Doveridge would lead to an additional 268 residents which is
an increase of 17.2%, which is not proportionate, responsible or fair
What will be the impact of the development upon facilities in Uttoxeter which has already
had significant development proposed

Noise
The noise from the A50 is above acceptable levels for noise pollution
There should be conditions to protect against noise
The noise report is out of date, inaccurate, misleading and does not record weather
conditions, particularly wind speed and direction
The report is fundamentally flawed
The data taken in 2012 is out of date as traffic volumes have grown since then; this is
also the case looking forward into the future
The new houses may not sell due to this issue
The development proposed will also increase traffic and therefore noise levels
A 2m high fence around the site would look like a fortress, or an enclosed village within a
village
There are plans to remove the roundabouts near Uttoxeter to increase vehicle speeds
and capacity – this will increase noise problems

Drainage
There are problems with water drainage
The farms on Lower Street suffer from severe flooding; less ground to soak away surface
water could have devastating impacts
There are problems with water pressure and purity in parts of the village
Sewage capacity is an issue with sewers often overflowing
The application states there are no watercourses but they are proposing to discharge to a
watercourse/ditch on the eastern boundary of the site.

Amenity
Loss of privacy
Adverse impact upon Human Rights, right for private and family life includes the home
and surroundings
Increase in light pollution
Currently a low crime rate, however concerned that a significant increase in population
would have serious social implications as there are limited recreational facilities for
younger people
Broadband speed is an issue in this area
Potential for noise disturbance, overlooking, overshadowing, loss of light
Involves the loss of garden land
The application does not consider the social consequences of the development – integrating this many new families into the village could cause issues of division and the loss of the community spirit. This land is used as overflow parking at village events. Inadequate amenity space provided.

Heritage Assets
The proposal will harm the setting of the nearby listed building.

Pollution
The site has been a garage site in the past therefore there is likely ground contamination.

POLICIES:
Adopted Derbyshire Dales Local Plan:
- SF4: Development In The Countryside
- SF5: Design and Appearance of Development
- SF6: Protection Of The Best Agricultural Land
- SF7: Waste Management And Recycling
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design and Appearance Of New Housing
- H13: Affordable Housing Exceptional Sites In Rural Areas
- NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
- NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
- NBE6: Trees and Woodlands
- NBE7: Features Important In The Landscape
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE16: Development Affecting A Listed Building
- NBE24: Archaeological Sites And Heritage Features
- NBE26: Landscape Design In Association With New Development
- TR1: Access Requirements And The Impact Of New Development
- TR2: Travel Plans
- TR3: Provision For Public Transport
- TR8: Parking Requirements For New Development
- CS8: Provision Of Community Infrastructure
- CS9: Utility Services And Infrastructure
- L6: Outdoor Playing And Play Space In New Housing Developments


3. National Planning Practice Guidance

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 permission at Asker Lane in Matlock and on the assumption that both Ashbourne Airfield and Leys Farm Ashbourne and Bakers Lane, Doveridge will soon be issued as decisions, 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 2015. 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 unable to demonstrate a 5 year housing land supply and this remains the case.
The Inspector concluded in the context of a major housing application 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. The remainder of this report will analyse the scheme against this policy requirement.

2. Other Planning Considerations
In assessing the scheme for its specific affects, both positive and negative, it is useful to break the report down further into the topic areas as follows:-

I. The sustainability of housing provision on this scale in Doveridge and relationship with the Local Plan process.
II. The impact of development on the character and appearance of the area.
III. The impact on heritage assets and their setting.
IV. Residential amenity impacts for existing and proposed residents.
V. Provision of affordable housing.
VI. Highway / pedestrian safety.
VII. Provision for children’s play.
VIII. Provision of infrastructure through developer contributions / infrastructure capacity.
IX. Impact on ecology.
X. Drainage.
XI. Minerals.
XII. Prematurity.
XIII. Housing Mix.
XIV. The Planning Balance.
I. The sustainability of housing provision on this scale in Doveridge and relationship with Local Plan process

The development of green fields outside settlements is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the district. Even if all suitably located brownfield sites across the district came forward for development there would still be the need to develop green fields outside existing settlements to meet the indicative figure set by Inspector Holland of 6500 which forms the current basis for analysis against objectively assessed needs.

Although the Council chose to withdraw the emerging Local Plan in order to carry out further analysis of objectively assessed need and the capacity of the district to accommodate this, it is considered relevant to reflect on the general approach to meeting housing needs that was adopted across the range of settlements within the Planning Authority area in that emerging plan document.

It was always anticipated that the major settlements, which are intrinsically the most sustainable locations to live with their access to jobs and services, would accommodate the majority of housing growth. However, it was accepted, even in relation to meeting a housing figure of 4,400 that some housing growth could be met and indeed would be desirable in underpinning the sustainability, services and infrastructure in and around the larger villages. In this regard Doveridge, along with Brailsford, in the south of the district were identified for some growth.

In the case of Doveridge, a scheme for 27 houses was proposed as a draft allocation on this site. It should be noted that this site has been in previous use and therefore part of the site would be considered brownfield land.

Clearly, matters have moved on since this draft plan was published in 2013 but the broad conclusion on intrinsic sustainability which identified Doveridge as a suitable settlement for some growth, remains valid. Doveridge is a substantial village with some 600 houses in the village and immediate hinterland, a primary school, shop, public house and club. It has good transport links with access to the A50 and benefits from its proximity to Uttoxeter in residents being able to readily access the full range of services and employment.

In this context it is considered that expansion of the settlement can be accommodated within the village’s existing infrastructure. Although most people would still need to travel to access employment and services such as doctors and dentists other existing village amenities would benefit from a modest increase in population.

The provision of up to 46 houses added to the proposed 70 dwellings at Bakers Lane (therefore a maximum total of 116 dwellings) would represent a 19.3% percentage increase in the scale of housing in the village. This development will to some extent change the character of the village, however, subject to appropriate design and layout the development of the dwellings need not change the character in a negative way. It is considered that this level of development will not overwhelm its existing facilities and residents of new houses would be able to access facilities that do exist in the village easily through existing and proposed footpath links.

Residents are understandably concerned about how this development will be combined with other proposals which are currently in planning or being prepared for submission but
these individual future applications will have to be considered on their merits having due regard also to the outcome of this application. It does not necessarily follow that support for this scheme if forthcoming would lead to support for later schemes. Although ideally all sites would have gone through Local Plan assessment prior to submission, the early stage of the plan means that delaying consideration until all come forward is not a viable planning stance to take and would be contrary to government guidance on this matter.

Overall, in terms of the nature of Doveridge, and in the context of the housing needs identified for the district, its facilities and location, it is considered that the provision, in terms of this application, of an additional 46 houses can be accommodated without being at odds with the objective of promoting sustainable development.

The proposed development of this site will lead to the loss of a tourism facility on the site. The minor nature of this facility is considered to hold little weight in the decision making process.

II. The impact of development on the character and appearance of the area

The original submission of the application included the consideration of access. This consideration of access at this time would have included full assessment of the proposed road layout of the site. The indicative plan shows a circular road layout with detached dwellings following the road pattern and of a modern design. This layout and design concept is not considered to be in accordance with the prevailing pattern of development in Doveridge. It is considered that more development fronting Derby Road would make a better entrance to the site and that within the site the layout should follow the prevailing character of small cul-de-sac development with a mix of house types and sizes. In view of the concerns regarding the layout, which was shared with local residents, the access and therefore the layout was withdrawn from consideration of the application. The application therefore relates only to the red edge site boundary and the potential of the site to accommodate up to 46 dwellings. The layout and design concept will not be considered any further at this stage.

The proposed development of this site will be seen in the context of existing residential development to the west and south of the site and the approach to the A50 to the east with the semi-rural character of Old Marston Lane to the north. Whilst the development of up to 46 dwellings on this site will change the character of the area, development if appropriately designed, need not cause undue harm to the character and appearance of the settlement. The wider landscaped setting of the village would not be adversely affected by the contained development of this site providing supplementary landscaping is provided.

The development of the wider site particularly towards the north has the potential to alter the character of the semi-rural Old Marston Lane. In order to prevent harm to the character of this area it is envisaged that any application for reserved matters will not include vehicle access onto the lane. It would also be required that as far as possible the trees and hedgerows along this boundary will be retained. Whilst this will be a matter for consideration at the reserved matters stage it is worthwhile noting at this point that such detail will be anticipated as part of the landscaping proposals and management of the site.

It is acknowledged that the proposal will alter the character and appearance of this area of the village, however, this is considered to be an inevitable consequence of meeting housing needs across the district as the level of need can clearly not be met within
existing Settlement Framework boundaries. It is considered that with appropriate landscaping, design, scale, layout and form the site can be developed in such a way as to safeguard the current appearance of the street scene as an approach into the village along Derby Road whilst also protecting the more rural character of Old Marston Lane.

III. The impact on heritage assets and their setting

Listed building

The Cavendish Arms to the south west of the site is a grade II listed building. In addition, there is remnant ridge and furrow existing on the site. The impact on these designated and non-designated heritage assets needs to be assessed in reaching a planning judgement. Under paragraph 14 of the National Planning Policy Framework, even where there is a strong presumption in favour of development in the absence of a 5 year housing supply where there is harm to a heritage asset this can outweigh this presumption.

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, for a decision-maker places a statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. This test has to be applied in relation to the Cavendish Arms as a grade II listed building. In this respect the applicant’s agent has provided a Heritage Assessment in terms of the impact of the development of the site upon the setting of the adjacent listed building.

The submitted Heritage Assessment concludes that the tree belt to the southern site frontage, which is both outside of the application site area and within the highway boundary, would provide a screen between the listed building and the development which would ensure no harm to the setting of the listed building. Whilst the assessment has been provided, it is considered to be of limited value. The trees currently along the site frontage do not form part of the application site and therefore cannot be retained by condition. The trees have no statutory protection and therefore could be felled without consent. It is acknowledged that the indicative layout shows the area close to the trees to be retained as a landscaped area. However, this indicative layout as noted above has been withdrawn from consideration and can be given very limited weight.

Therefore the impact of the development upon the setting of the listed building has to be considered beyond the screening of the existing trees as their longevity is not guaranteed. As with many public houses that are also listed buildings the Cavendish Arms is seen within the context of a village location with residential development in close proximity. The dwellings to the south west of the site abut the road frontage and are of some age. These buildings sit appropriately within the context of the setting of the listed building. In this respect it is not considered that the development of this site, if of an appropriate design, scale, form, layout and landscaping, whilst causing change to the setting of the building would cause harm to its setting. In this respect this outline application is considered to be acceptable in terms of the impact upon the setting of the listed building. Further assessment of this impact will be required at the reserved matters stage.

Ridge and Furrow

Paragraph 135 of the National Planning Policy Framework requires consideration of the impact of development on the significance of a non-designated heritage asset where it states that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing
applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

National planning practice guidance notes that in regard to archaeological non-designated assets: Decision-taking regarding such assets requires a proportionate response by local planning authorities.

In this case a detailed assessment of the significance of the non-designated heritage asset (the ridge and furrow) has been carried out to the satisfaction of the Development Control Archaeologist. It is clear from the information provided that on the balance of probability the archaeological potential of the site is low and the Development Control Archaeologist is satisfied that there is no further requirement with regard to below-ground archaeology.

The additional study carried out by the applicant gives an understanding of the significance of the ridge and furrow on the site in the wider context of the landscape around Doveridge. The conclusions are that this wider landscape north of the village is increasingly fragmented as former earthworks have been subject to arable ploughing. The earthworks on the current site are well-preserved across part of the area—probably some of the better-preserved earthworks around Doveridge. However, the landscape coherence of this block is impacted by its separation by modern roads from its former landscape context, and by the overall fragmentation of the wider ridge and furrow pattern. There are likely to be more coherent and extensive areas of ridge and furrow (for example west of the village) with at least comparable preservation.

The ridge and furrow is therefore well-preserved (over part of the site) but does not form part of a large or coherent surviving block. It therefore has local significance and amenity value, but it does not have the attributes necessary to argue regional/country importance. Earthwork ridge and furrow and historically ‘important’ hedgerows on the site may also contribute towards the landscape/historic landscape value of the site. The locally significant earthworks and the concurrent historic landscape value would be lost as part of the proposed development. This loss has to be assessed in a balanced way in accordance with national guidance.

In this case it is clear that the remaining ridge and furrow is not of sufficient value to be of regional/country importance and therefore whilst its loss is regrettable this loss of a non-designated heritage asset is outweighed by the benefit of providing housing to meet the need identified within the District. In accordance with the recommendations of the submitted heritage statement it is considered that a condition can be imposed to require a measured survey and recording of the earthwork remains prior to the commencement of development. Subject to this condition the proposal is therefore acceptable in accordance with paragraph 135 of the National Planning Policy Framework.

IV. Residential amenity impacts for existing and proposed residents
The comments made in public representations and on behalf of the Parish Council highlight concerns over noise levels in the locality and the potential for this to impact on the amenity of future residents and also raise concerns about how development might impact on the amenity of nearby residents in the terms of issues such as overlooking.

From visiting the site it is apparent that residents in this part of Doveridge experience background noise from traffic on the A50. This is audible on the site which is unprotected
by any significant barriers to its transmission. However, it has to be recognised that in the
development of the site measures/characteristics can be incorporated which will
ameliorate the noise impact for future residents. Dwellings themselves are a barrier to
noise, the landscaping of the site can soften noise impacts and particularly noise
sensitive plots can have their design reflect that sensitivity. It will clearly be important to
take these factors into account in a detailed design and it would be appropriate when a
further submission is made to have the design informed by further noise survey
information.

A noise assessment has been submitted as part of this application. Whilst it is
acknowledged that this report could have considered the noise from the A50 in more
detail and that the report is a few years old being drafted in 2012 with an update in
August 2015, nevertheless the Council’s Environmental Health section have considered
the report and the site in detail and have concluded that whilst noise is an issue in this
area, this is not such an issue that refusal of planning permission on the grounds of noise
impacts could be sustained. It is considered that through the reserved matters application
this matter would need to be considered in detail including the layout of dwellings on the
site, boundary treatments and internal layouts of properties. It is likely that in order to
shield the proposed dwellings from inappropriate noise impacts a boundary wall will be
needed to the perimeter of the site (not including the site frontage to the south). Between
the wall and the highway a landscape buffer would be required to soften the visual impact
of a boundary wall. This is considered to be an appropriate approach to the boundaries of
the site and will work well with the ecological recommendations (see the ecology section
below). This approach is considered to be in accord with guidance in paragraph 123 of
the National Planning Policy Framework.

In terms of the amenity of adjoining occupiers it will clearly be important to the detailed
layout of the design to ensure that existing residents do not suffer adverse impacts from
overlooking, overshadowing or overbearing but these matters can only properly be
considered once a detailed layout is tabled for consideration.

V. Provision of Affordable Housing
The significant release of land to meet the housing needs of the District as explained
above is running ahead of the emerging local plan process. The existing 2005 local plan
never envisaged large scale land releases outside settlement frameworks and rural
affordable housing has previously been delivered through exception sites outside villages
to meet the needs identified through Parish Needs Surveys.

Meeting the Objectively Assessed Housing Needs of the District as part of the new local
plan process involves breaking beyond settlement frameworks to meet need and also
entails making strategic decisions on where housing growth can be accommodated. As
explained earlier in this report Doveridge is considered a sustainable location for meeting
some of that strategic housing demand.

The emerging local plan in light of the above rather than differentiating between the major
settlements and villages is likely to base the requirement for affordable housing on sites
on their size rather than location, thereby securing the strategic objective for the District.
The work done on the withdrawn emerging local plan underpinned with research on need
and viability had a draft policy which sought 45% provision on a scheme of this scale. In
the absence of any more compelling or up to date evidence to the contrary it is
considered appropriate to apply this threshold.
The Councils Head of Housing has requested the following on site provision for affordable housing on this site:
4 no. 2 bed 4 person bungalows built to lifetime homes standard provided as 2 no. for social rent and 2 no. for shared ownership.
4 no. 2 bed 4 person houses provided as 2 no. for social rent and 2 no. for shared ownership.
This on-site delivery is a reflection of current knowledge on Parish needs. This is obviously well short of the 45% requirement of policy. However at this moment in time they consider this is considered to meet the known needs for the Parish but having regard to the strategic objective on affordable housing they have asked that an off-site financial contribution also be sought to facilitate the funding of affordable units in the future. This contribution should fund the remaining percentage of units to bring provision up to 45% and the applicant has agreed to the required payment. This is considered an appropriate and pragmatic response to deliver affordable housing in the current circumstances.

VI. Highway/ Pedestrian Safety
There is understandable concern from the public as to how a substantial new development on the edge of the village might add to existing problems being experienced in relation to parking and highway/ pedestrian safety. From a highway safety perspective the use of Derby Road as originally submitted (prior to the indicative plan being withdrawn) is the preferred location for access to the site.

The site has considerable roadside frontage to Derby Road and the indicative location of the access is considered by the Local Highway Authority to provide an acceptable degree of separation from the existing roundabout junction to the east. Acceptable levels of visibility would be achievable from the indicative access location. The internal road layout originally shown on the now withdrawn plan was not considered by the Local Highway Authority. The Local Highway Authority is satisfied to consider detailed highway matters under a reserved matters application. Any such scheme should correspond to Derbyshire County Council 6C’s design guide.

It is considered reasonable to require the provision of a pedestrian connection point to Old Marston Lane to the north of the site to provide a commodious route to the bus stop on Marston Lane, to avoid an extended walking route and having to cross roads a number of times.

Local concern has been raised regarding the impact existing parked vehicles will have upon the safety of the access and querying the validity of the submitted transport survey. The Local Highway Authority have considered these concerns and have concluded as noted above that should parking become a problem there are powers to control on street parking and that whilst the Highway Authority may not agree with every part of the transport statement, providing the summary / conclusions are sound and robust, the Highway Authority do not require developers to alter minor details that ultimately have no effect on the conclusion. The Highway Authority had no valid technical reasons to challenge the conclusions of the statement in this case.

Although the access and road layout has been withdrawn from consideration at this time it is considered feasible to provide safe access to the site, the details of which would be fully considered under a reserved matters application. In accordance with paragraph 32 of the NPPF the proposal is considered appropriate in terms of highway safety.
VII. Provision for children’s play
Under adopted local plan policy L6 a development of this scale should include open space and an equipped play area to meet the needs of future resident’s children. The indicative layout did show an area for on-site play provision/amenity space. In view of the withdrawal of the indicative plan there is no detailed plan to consider in terms of the play space. However, the applicant is aware of the need to provide on-site play space and this will be fully considered in terms of detail and siting in the reserved matters application. The provision and maintenance of the play area will need to be considered in any accompanying legal agreement.

VIII. Provision of infrastructure through developer contributions/ infrastructure capacity
The public comment and the Parish Council comments on this application have expressed concern about how this development will impact on existing infrastructure. The concern covers matters such as education but also extends into other areas associated with the capacity of the village to cope with expansion. In relation to education the County Council have been consulted on this application. They have provided detailed comments on both the primary schools and secondary school capacity. The location of Doveridge on the edge of the district in close proximity to Uttoxeter does however raise some interesting questions over how existing children are educated and how expansion of housing in Uttoxeter might affect current arrangements. It is clear from the letters submitted that whilst primary school children are educated at the village school in the County, secondary school age children appear to some degree to be utilising the secondary school in Uttoxeter. The concern is that if places are fully taken up by Uttoxeter children as it expands places will no longer be available to Doveridge and this will also have a knock on effect on the primary school as year 5 and 6 children revert back.

Whilst this concern is understandable it is clear from the comments of the County Council that the primary school has capacity to accommodate all of the development proposed in Doveridge (based on pending applications in the locality) and with projected school roll falling this capacity will increase and is capable of absorbing back year 5 and 6 pupils.

In the absence of knowledge of school rolls in Uttoxeter it is not possible to say how provision of secondary education will be affected but what is clear is that Derbyshire County Council are confident that pupils can be accommodated in Ashbourne. This would involve more travelling if it transpires which would be less sustainable but in terms of access to infrastructure would not be basis to resist the application.

The public comment has also highlighted access to doctors and dentists as a concern. It is clearly not ideal that residents have to travel to access these and the situation regarding Uttoxeter and Sudbury practices is noted. However, this is not an overriding objection and medical facilities can and do expand to meet increasing needs.

Concern in relation to sewerage has also been raised. The Water Authority has been consulted as part of the application but no response received. It is clear within the flood risk assessment and drainage strategy that there has been some dialogue between the applicant and the Water Authority. However, the capacity and connection to existing is considered a matter that can be adequately addressed by the sewage authority through negotiation with the applicant and is not a basis for objecting to the scheme.
The lack of gas connection in the village has been raised as a concern, again this is a matter that can be adequately addressed by the utility providers through negotiation with the applicant and is not a basis for objecting to the scheme.

IX. Impact on ecology
The applicant has submitted an ecology report and bat survey with the application which has been independently assessed by Derbyshire Wildlife Trust. They have raised no major concerns and suggested conditions. There is a need to ensure habitat protection and enhancement of biodiversity through the landscaping of the site, therefore the detailed requirements of the landscaping would need to be covered by conditions on this outline application. The proposal is considered to be acceptable in terms of the impact upon ecology subject to stringent conditions including the requirement to comply with the recommendations within the submitted ecological reports.

X. Drainage
The applicant has advised that they intend to drain the site in accordance with SuDS criteria. Derbyshire County Council as drainage authority have recommended detailed conditions regarding the drainage of the site following consideration of the information contained within the flood risk and drainage strategy. It has been noted in the submitted strategy that if infiltration of the site is not possible drainage will be to the watercourse/ditch to the eastern boundary of the site, further investigation will be required via conditions.

XI. Minerals
The County Council as Minerals Planning Authority initially raised concerns that the potential sand and gravel deposits on site are not sterilised by development. They requested that the applicant provide supporting information to assess the quantity and quality of underlying sand and gravel deposits and the practicability or viability of extracting them prior to or as part of the development.

The applicant subsequently submitted additional information in this regard which concluded that there is an overriding need for the development and that the prior extraction of the Mineral Reserve at the site is neither feasible and/or viable. As such the development complies with the provisions of Policy MP17 of the Derby and Derbyshire Minerals Local Plan (2000)

XII. Prematurity
One of the main concerns of the Parish Council is that the cumulative effect of the determination of this and other applications in the area will be so significant (116) dwellings that to grant planning permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that will be central to the emerging local and neighbourhood plan. This will be further exacerbated by other proposals expected to come forward in Doveridge, the Parish Council is therefore of the view that planning permission should be refused on the grounds of prematurity.

National Planning Practice Guidance states that: ‘In the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other
material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area’.

This guidance goes on to advise that ‘refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process’.

Taking full account of this guidance and given that there is no draft local plan in place at this stage and that a 5 year supply of housing cannot be demonstrated, refusal on the grounds of prematurity cannot be justified in this case.

XIII. Housing Mix

Paragraph 50 of the NPPF states that:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

• plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);

• identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand …….”

As part of the evidence base for the emerging local plan a Housing and Economic Development Needs Assessment (September 2015) has been commissioned which will be used to inform the preparation of new policies. This seeks to ensure new housing meets the communities needs and states (Paragraph 8.43) that:

“……. the provision of market housing should be more explicitly focused on delivering smaller family housing for younger households. On this basis the following mix of market housing is recommended: 1-bed properties: 5%, 2-bed properties: 40%, 3-bed properties: 50%, 4-bed properties: 5%”.

It is right that this guidance starts to inform the housing mix delivered on housing sites. However, in this case the application is outline only with all matters relating to the layout and type of properties reserved for future consideration, therefore the detail of the mix of housing has not as yet been determined. However, given that this is an issue that is likely to arise at the reserved matters stage it is important to bring this matter to the applicants attention by way of a footnote included in any permission to clarify the expectations of the Local Planning Authority.
XIV. The Planning Balance

Part 1 of this ‘issues’ section set out the Local and National Policy Guidance that applies in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.

The Councils adopted local plan can still be the primary consideration in assessing planning applications. However, following on from the local plan inspectors finding on Objectively Assessed Housing Need in July last year and the subsequent withdrawal of the local plan the Council are currently having to assess 5 year housing land supply on the 6500 figure he provisionally identified. This figure not only sets a higher supply need but the Council also have to add buffers for historic undersupply of 20% and incorporate a backlog into the target. Therefore the Council are still unable to demonstrate a 5 year housing land supply.

In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF is clear that the housing policies of the local plan are out of date. Accordingly, both policies H4 and SF4 carry no weight in the consideration of this substantial housing application immediately adjoining the settlement boundary and the Council are directed to paragraph 14 of the NPPF in particular and the framework as a whole to reach a balanced judgement on the merits of an application.

Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

The Inspector on the recent appeal decision at Asker Lane approached this balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. It seems entirely logical to approach this scheme in the same manner.

As described above the Council has a shortfall in housing land supply. The development of this site will make an important contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme.

The provision of affordable housing to meet current parish needs and also to meet future needs through an offsite contribution in line with policy also has to be given significant weight even though it merely aligns with development plan policy.

The social dimension would be served by the provision of an open space and play equipment available to the development and other village residents. This social benefit has only limited weight. In regard to other community infrastructure the development will help to underpin the school and other community facilities without it is considered leading to them being overburdened.

The economic dimension would be served by employment generated during construction and by a benefit to businesses within the village from additional resident spend.

In environmental terms the site immediately adjoins the village and residents would have easy access to village facilities to which they could walk or cycle. However to access major retail, employment or community services most would need to use the private car to travel to Uttoxeter. This reliance on the car even for short car journeys counts against
the development and it is unlikely that the scale of development will lead to a greater penetration with public transport.

The development of this site will have an impact on the character and appearance of the countryside and setting of the village. However, the Council have to release land to meet housing need and so all such developments will have an impact. It is considered that the site can be developed in such a way that the proposal will not cause harm to the character and appearance of the locality, the detail of the scheme will need to be carefully considered under the reserved matters application.

The environmental impacts also have to have regard to consequence for heritage assets. National legislation protects their significance which includes safeguarding their setting as well as safeguarding the asset itself. Significant harm to the significance of an asset can outweigh other planning considerations even when a Council is assessing applications under paragraph 14. Dependent upon the finalised detail of the development of the site, whilst it is recognised that there will be change to part of the setting of the Cavendish Arms, it is not considered that this will result in harm. It is not considered that the significance of the on-site archaeology is such that this would warrant refusal of the application.

Flora and fauna around the site will be affected to some degree with the loss of hedgerow but with appropriate replanting and management and biodiversity management it is considered that this impact is acceptable and may lead to biodiversity enhancements.

In highway terms it is considered that the development can be well served by access from Derby Road without threat to safety or congestion. Additional dwellings will increase traffic on village roads but will not be of detriment to highway safety. In addition footpath links particularly to the bus stop will be provided.

When all of the above matters are weighed in the balance, although the expansion of Doveridge to meet district housing needs has adverse environmental credentials in terms of reliance on the private car to access jobs and wider services and some alteration to the character and appearance of the countryside and setting of the village, these impacts are outweighed by the substantial benefits of the housing to meet identified needs and also offset by the economic benefits to local businesses of additional spending power which will help enhance their viability. Whilst Doveridge would not be a suitable location for unrestrained housing growth, the level of growth proposed in this application along with that already proposed on Bakers Lane is considered to be acceptable. As the adverse impact of granting planning permission do not significantly and demonstrably outweigh the benefits the presumption in favour of granting planning permission enshrined in paragraph 14 of the NPPF applies.

OFFICER RECOMMENDATION:

To grant outline planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure affordable units on site and an offsite contribution to make up provision to the equivalent of 45% and subject to conditions covering the following matters: -

1. Condition ST01a: Time limit on Outline
2. Condition ST03: Submission of reserved matters (All)
3. No development shall be commenced until a temporary access for construction purposes has been provided to Derby Road in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

4. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the construction period. The statement shall provide for:
   - Parking of vehicles of site operatives and visitors
   - routes for construction traffic
   - method of prevention of debris being carried onto highway
   - proposed temporary traffic restrictions
   - arrangements for turning vehicles
   - hoarding for any roadside boundaries.

5. As part of any reserved matters for this site a detailed design for the permanent estate street junction to Derby Road shall be submitted to and approved in writing by the Local Planning Authority. The access shall be provided onto Derby Road and comprise a carriageway a minimum of 5.5m wide flanked by 2m wide footways and be provided with minimum 2.4m x 43m visibility splays in each direction, or other such dimensions as may subsequently be agreed in writing by the Local Planning Authority; the visibility splays being measured to the nearside carriageway and the area in advance of the sightlines forming part of the estate street or extended highway margin and not forming part of any plot or other sub-division of the site, to ensure no obstructions to visibility over 1m in height (600mm in the case of vegetation) can be maintained for the life of the development. There shall be no other vehicular access created to Derby Road, Marston Lane or Old Marston Lane.

6. Prior to the first occupation of any dwelling on the site the permanent estate street junction to Derby Road shall be laid out and constructed in accordance with the details approved under condition 5 above. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.

7. Notwithstanding the submitted information a subsequent reserved matters or full application for this site shall include detailed designs of the internal layout of the site in accordance with the guidance contained in the “Manual for Streets” document issued by the Departments for Transport and Communities and Local Government and the County Council’s own residential design guide – the 6C’s document.

8. No development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.
9. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

10. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure / covered cycle parking), located, designed laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

12. Within 28 days or other such period of time as may be agreed with the Local Planning Authority of the junction, the subject of conditions 5 and 6 above, being constructed, all other means of vehicular access to Derby Road, Marston Lane or Old Marston Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and appropriate footway / verge construction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

13. As part of any reserved matters or full application for this site a detailed scheme for the disposal of highway surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

14. As part of any reserved matters or full application for this site details of arrangements for the storage of bins and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

15. As part of any reserved matters or full application for this site detailed designs for the provision / improvement of pedestrian links to existing bus stops in the vicinity of the site (including crossing provision where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The approved details being laid out and constructed in a timescale agreed in writing with the Local Planning Authority or fully completed and opened for public use prior to occupation of 50% of the total dwellings constructed on this site, whichever the sooner.
16. Prior to the commencement of development a detailed construction and demolition management plan or method statement agreed including hours of construction work shall be submitted to and agreed in writing by the Local planning Authority. Works shall be completed in accordance with the agreed details.

17. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems has been submitted to be approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

18. No development shall take place until a detailed assessment has been provided to and approved in writing by the local planning authority to demonstrate that the proposed destination for surface water accords with the hierarchy in approved document Part H of the building regulations 2000.

19. No development shall take place until a reasonable assessment is undertaken of the existing ordinary water course within the curtilage of the development zone, identified to be the point of surface water discharge.

20. Notwithstanding the submitted details, the reserved matters application shall incorporate appropriate measures to minimise the impact of noise on future residents and be accompanied by an up to date and relevant noise assessment of the development site based on the proposed layout of the site.

21. Condition LA15a: Submission of a landscape management plan after ‘long term design objectives’ add in... ‘and biodiversity enhancements’

22. Prior to the commencement of development a scheme for the provision of affordable housing on site, its transfer and future management shall be submitted to be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be fully complied with.

23. No removal of hedgerows, trees or shrubs or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check or active birds’ nests immediately before the work is commenced and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

24. As a precautionary measure, prior to and throughout construction any risk to reptiles shall be minimised through the implementation of the Great Crested Newt Reasonable Avoidance Measures detailed in Appendix 4 of the submitted Ecological Assessment report.

25. Prior to the commencement of development details of alternative nesting opportunities shall be provided for swallows accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, works shall be completed in accordance with the agreed details.
26. The development shall be carried out in full accordance with the recommendations of the submitted Ecological assessment received 05.08.15 and Bat survey report received 18.09.15

27. Condition LA12a: after c) insert ‘including details of root protection areas to all trees and hedgerows (to BS 5837 standards) to be retained’

28. Condition LA13a: Landscaping to be carried out

29. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A and B have been complied with.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted in electronic format. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i. a survey of the extent, scale and nature of contamination;

ii. an assessment of the potential risks to:
   - human health;
   - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
   - adjoining land;
   - controlled waters, ground waters and surface waters;
   - ecological systems;
   - archaeological sites and ancient monuments.

iii. an appraisal of remedial options and proposal of the preferred option(s)
   This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposals for how the remediation works will be verified once completed. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
30. As part of the reserved matters application a detailed lighting scheme for the site shall be submitted which minimises the impact of light on bats.

31. A measured survey and record of the earth work remains shall be completed and submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

32. The reserved matters submission shall incorporate a scheme for the layout and future maintenance of open space and play equipment to be provided on the site. This facility shall be laid out, managed and maintained in accordance with the approved details.

Reasons:

1. Reason ST01a

2. Reason ST03a

3-15. In the interests of highway safety in accordance with Policies TR1 and TR8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework

16. In the interests of residential amenity in accordance with policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

17-19. In order to ensure appropriate drainage of the site in accordance with guidance contained within the National Planning Policy Framework.

20. In order to protect future residential amenity in accordance with guidance contained within the National Planning Policy Framework.


22. To ensure appropriate provision of affordable housing in accordance with guidance contained within the National Planning Policy Framework.

23. To ensure protection of breeding birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

24. To ensure protection of reptiles in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

25. To ensure protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
26. To ensure protection of protected species present or on or using the site in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

27. Reason LA12a: In accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

28. Reason LA13a: In accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

29. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with guidance contained within the National Planning Policy Framework.

30. In order to ensure minimum disturbance for bats in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

31. To ensure a record of the on-site archaeology is undertaken in a satisfactory manner in accordance with policy NBE24 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

32. To ensure the appropriate provision of open space and play equipment on the site in accordance with the requirements of Policy L6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

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. Any works in or near to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council. To make an application for works contact flood.team@dersbyhire.gov.uk

3. The applicant should demonstrate, to the satisfaction of the LPA, the appropriate level of treatment stages from the resultant surface water in line with table 3.3 of the CIRIA SuDS Manual C697. This type of development requires >2 treatment stages before outfall into a surface water body/system which may help towards attainment of downstream receiving watercourse’s Water Framework Directive ecological status.

4. Highway footnotes:
   • Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Environmental
Services at County Hall, Matlock (telephone: 01629 580000 and ask for Mr I Turkington, Development Control).

- Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Economy, Transport and Environment Department of Derbyshire County Council before any works commence on the temporary vehicular access within highway limits, please contact 01629 538612 for further information.

- Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – etedevelopmentcontrol2@derbyshire.gov.uk. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

- Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

- Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (telephone: 01629 580000 and ask for the New Roads and Street-works Section).
• Construction works may require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

• Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council’s requirements please contact flood.team@derbyshire.gov.uk.

5. 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.

6. A minimum 32mm water supply capable of delivering the required volumes to allow the installation of a domestic sprinkler system shall be installed for this development.

7. In accordance with the evidence base for the emerging local plan contained within ‘The Housing and Economic Development Needs Assessment (September 2015)’, in the submission of the reserved matters the housing mix of the development shall be in accordance with the following: 1-bed properties at 5%, 2-bed properties at 40%, 3-bed properties at 50% and 4-bed properties at 5%. Any alternative mix to the above will need to be appropriately justified in the application submission.

8. This decision notice relates to the following documents:
   Site location plan no. 000 received 05.08.15
   Master plan no. 100 Rev C received 05.08.15
   Bat survey report received 18.09.15
   Flood risk assessment and drainage strategy received 05.08.15
   Landscape and visual appraisal with development recommendations received 05.08.15
   Overland flood flow plan no. 103 Rev A received 05.08.15
   Overland flood flow plan no. 203 Rev A received 05.08.15
   Topographical survey no. 15080 sheet 1 of 2 received 05.08.15
   Topographical survey no. 15080 sheet 2 of 2 received 05.08.15
   Ecological assessment received 05.08.15
   Tree quality survey and development implications received 05.08.15
   Report on existing noise climate received 05.08.15
   Transport statement VN50473 received 05.08.15
   Design and access statement received 05.08.15
   Planning statement received 05.08.15
   Geophysical Survey report received 17.11.15
   Heritage Assessment and addendum received 17.11.15 and 21.12.15

BACK TO AGENDA
15/00429/FUL

Land Adjacent 11, Little Bolehill

Derbyshire Dales DC

Date: 08/01/2016

100019785

Crown Copyright and database rights (2015) Ordnance Survey (100019785)

Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
INTRODUCTION:
This planning application was withdrawn from the agenda of the 15th December 2015 Committee as the agent had advised, after the preparation of the agenda, that his client no longer willing to relinquish their right to convert the existing field barn to an office. This change in stance requires Officers to fully reappraise the merits of the scheme and this report is represented on this basis.

THE SITE AND SURROUNDINGS:
The application site is a sloping area of agricultural land with a plateau on the eastern part of the site. On the plateau there is a barn which was granted planning permission in 1999; the barn has been constructed in blockwork and is still to be fully faced with stone.

The land to the north of the barn has been turned over to hardstanding. There is a meandering access track up the slope of the field on the western side of the site which links to the lane into Little Bolehill. The field in which the barn is set comprises some 1.4ha. This is in the applicant’s ownership and lies directly opposite Nos. 14, 16 and 18 Little Bolehill and extends to the rear of 11 and 11A Little Bolehill.

The site lies in open countryside within the Wirksworth Conservation Area and close to the boundary of the Bolehill Conservation Area.

THE APPLICATION:
Full planning permission is sought for the erection of an agricultural equipment and fodder store building on an area of hardstanding to the north of the existing field barn. It should also be noted that this application has been submitted further to the dismissal of Prior Approvals for an agricultural building on the site in July 2014 (ref: 13/00704/AGR) and 13th April 2015 (ref: 14/00538/AGR).

The building is now proposed to measure 13.4m wide by 6m deep and 5m high. The building would be constructed with natural stone walls and a blue slate roof. There is proposed to be tree planting on the bund to the west of the site. The application site is otherwise screened by existing mature woodland and a conifer hedge. The building is also proposed to be re-orientated and set further back on the site than previously proposed building. The proposed building has also been reduced by some 3m in depth and 0.8m in width with the height being similar compared to the previous proposal (ref: 14/00538/AGR).

The application site is 1.4 ha in area and the applicant rents a further 6 ha at Duke Street in Middleton-by-Wirksworth. The applicant advises that he has farmed the site for several years and, whilst the existing field barn is now being converted into an office, the remainder of the site would be in agricultural use. Previous storage was in the field barn loft.

However, further to stating the above, the applicant has now advised that the use of the building as an office is a fall-back proposal if planning permission is not granted for the...
storage building. It is advised that if the applicant cannot store fodder at the site, it will be inconvenient to keep livestock there, in which case the office use of the building is a way of making use of the site. The applicant advises that this was all put before the previous appeal Inspector, who raised no concern about that possibility. The applicant considers that the appeal was dismissed solely on the grounds of the non-traditional appearance and its impact on the landscape, so those are the only issues which should now be under consideration. The office conversion has not yet been implemented and if the current application is granted, it is proposed that the remainder of the site will continue with agricultural activity on the site.

The applicant refers to the reason for dismissal of the Appeal with respect to the previous Prior Approval application was solely based on the design being ‘unsympathetic to the surrounding traditional stone buildings which characterise the Conservation Area’. The applicant considers that, the proposed building is now of ‘traditional’ form and materials, and that this overcomes these concerns. The applicant advises that the height is the minimum to house a tractor. The applicant also considers that housing the fodder and machinery in the open would be far more discordant than within the proposed building.

RELEVANT HISTORY:
A letter of 22nd January 2015 to the applicant confirming that the change of use of the barn to an office was permitted development and did not require the prior approval of the Local Planning Authority.

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<td>14/00760/VCOND</td>
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<td>Retention of development without compliance with Conditions 2, 3 and 4 of planning permission 07/01024/VCOND - Granted</td>
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<td>Retention of development without compliance with Condition 1 of planning permission DDD/1298/0814/C to allow variation of surface treatment of access track - Granted</td>
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<tr>
<td>DDD/0799/0501/C</td>
<td>Erection of Field Barn - Granted</td>
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</tbody>
</table>
CONSULTATIONS:

Town Council – Object:
- inconsistent with the development plan for the Little Bolehill area
- traffic and highway safety issues – the original plan was for a building for agricultural usage thus the increased traffic / storage of wide girth farming equipment in an area which already has significant issues with parking will be of a concern to all
- scale of development, design, appearance, layout and material is very confusing now
- originally a new barn to replace an older one, then agricultural usage then back to an attempt to convert to residential now storage of vehicles on land where we understand that no animals have been present for over 10 years
- meant to be the garage to accompany the other building on site
- the proposed change of use would have a detrimental effect on area, especially as the previous applications have not been adhered to (hedges and track) and the imposing nature of this building does not sit well when viewed from across the valley as per Star Disc.
- aware of a number of residents who have expressed concern regarding the development and ask that these concerns also be considered.

Local Highway Authority – No objection provided the use is only in support of the existing farming activities carried out on the surrounding, controlled farmland

REPRESENTATIONS:

One letter of representation from a local resident. The comments are summarised as follows:

- obtrusive by design
- in special landscape area, outside village development area
- agricultural buildings are isolated to small field barn – already one on the site
- building of this size only appropriate if attached to a farmstead – not one on the site
- would be visible if leylandii hedge was removed which he is required to do
- visual intrusion with requirement for further hardstanding
- agricultural need for the development cannot be justified
- former fodder storage barn has been converted to other uses
- little agricultural grazing land remaining – fodder store cannot be justified
- land is too steep for agricultural implements to be used on the land
- if implements bought for storage from the holding 2 miles away would cause traffic and highways hazard in the village
- turning onto the road would cause a risk to other highway users

POLICIES:

1. Adopted Local Plan 2005
   SF4   Development in the Countryside
   SF5   Design and Appearance of Development
   EDT13 Buildings Associated with Agriculture, Forestry or Other Rural Based Enterprise
   NBE3 Other Sites of Importance for Nature Conservation
   NBE8 Landscape Character
   NBE21 Development Affecting a Conservation Area
   TR1  Access Requirements and the Impact of New Development
2. National Planning Policy Framework
3. National Planning Practice Guidance
4. Wirksworth Neighbourhood Plan (2015-2028)
5. Wirksworth and Bolehill Conservation Area Appraisals

ISSUES:
1. Background to Application
   The application follows an application for Prior Approval for an agricultural building, which was dismissed at Appeal in March 2015, albeit with amendment to its size, height and materials.

2. Policy
   Before considering the proposal, it is considered necessary to set out the current policy considerations. In terms of current planning policy, the Adopted Derbyshire Dales Local Plan (2005) is given significant weight in cases where the policies are compliant with the National Planning Policy Framework. Where the policies of the Adopted Local Plan are not compliant with advice within the National Planning Policy Framework, then the National Planning Policy Framework takes precedence.

   In this case, Policies SF4, SF5, EDT13, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) are considered to be of particular relevance to the consideration of this application and, because they are consistent with the National Planning Policy Framework in relation to an application such as this, they continue to carry substantial weight as the primary consideration in decision making. The Wirksworth Neighbourhood Plan also seeks to ensure proposals strengthen and improve the landscape and settlement qualities (Policy NP1) and that the quality and character of development is acceptable (Policy NP2).

3. Assessment
   The proposal is for a relatively large building set in an elevated location in the open countryside which would be visible in views within the wider Wirksworth Conservation Area. A modest field barn currently exists on the applicant’s holding close to the proposed site for the agricultural building. The owner advised the Council of his intention to convert this to an office under permitted development rights in January 2015.

   The applicant has proposed to use stonework in the construction of the proposed building to reflect upon that of the existing field barn and as a response to comments made previously by Planning Inspectors about how this relates to the field barn. However, it is the view of Officers that the building, if deemed acceptable in principle, should appear as a lower status building to the stone faced field barn. In this respect, it is considered that the building should be clad with a dark coloured green/grey sheeting to emphasise this if planning permission were to be granted for the building.

   Notwithstanding this, there appears to be a limited scale of farm operation on the land and there are no other buildings on this holding. The sensitive landscape for the proposed development has been recognised by previous Planning Inspectors who have considered various development proposals on the site. A previous Planning Inspector advised the following with regard to the prior notification application 13/00704/AGR:
....I find that the scale and siting of the proposal, on a plateau at the top of a steep slope, would lead it to appear as a prominent and intrusive feature, particularly in distant views. This intrusiveness would, I find, result in it failing to assimilate into the landscape. I consider the harmful impact of this would not be mitigated to a significant extent by existing and proposed trees and landscaping. The proposed development would not be completely screened but would still be visible above and between landscaping and/or trees.

In addition to the above, I find that the proposal would relate poorly to the existing barn. It would, I find, appear overly large, awkward and dominant, particularly in views of the two buildings together. This would create an uncomfortable, imbalanced relationship, to the detriment of local character.

Taking all the above into account, I find the proposed development would be detrimental to the character and appearance of the Wirksworth Conservation Area. This would be contrary to the Framework and to Local Plan policies SF4, SF5, EDT13, NBE8 and NBE21, which together amongst other things, protect local character.

Rather than make the positive contribution desired by paragraph 131 of the Framework, the proposal would harm local character. The harm caused would be significant in terms of the immediate context of the proposal, but is less than substantial in the context of the Conservation Area as a whole. In these circumstances, paragraph 134 of the Framework should be weighed against any public benefit. There are no public benefits resulting from the proposal.

Subsequent to the above decision, a further prior notification was submitted (14/00538/AGR). The Planning Inspector advised the following

I understand the appellant's need to store fodder and securely house his farm machinery, but I do not consider that this outweighs the harm the proposed building would cause to character and appearance.
Given the above, the applicant has sought to reduce the scale the building, to re-orientate it and locate it to the rear of the site, where it is likely to be less conspicuous in views. This has to also be assessed in the context of a recent Appeal decision that has allowed the conifer hedge provided along the access road to remain. The height of these trees, and the other such trees and shrubs the applicant has planted on the bund in foreground of the proposed building, without the need for any formal consent, will ultimately screen the building.

The Planning Inspectors, in assessing the Prior Notifications/Prior Approval applications detailed above, were constrained in what they could take into consideration in their assessments; the factors for such consideration are merely the design, external appearance and siting of the building. The Planning Inspector in assessing the latter application was aware that the applicant had permitted development rights to use of the field barn as an office and, as the applicant’s agent states, did not raise this as an issue in considering whether the prior notification application was a valid application.

However, the field barn had not been turned into an office. Therefore, it must be considered that this was not part of his deliberations and that the agricultural storage building was being considered in the context of an agricultural holding; to consider a prior notification for an agricultural building that was not on an agricultural holding would otherwise have made the application invalid.

In this respect, as the application before the Committee is now a full planning application, consideration can be given to matters other than those of design, external appearance and the siting of the proposed building, to which considerations of applications for Prior Approval are limited. As such, the principle of the need for such a building in this location can be questioned.

With the applicant now advising that he is not prepared to rescind the office use for the field barn, there is doubt that the land is to be used in such a way, for agricultural purposes, that could warrant another building, and this is a material consideration with any justification for the erection of an agricultural building. The proposed agricultural building would certainly not be required in the context of the field barn if this is no longer proposed to be used for agricultural purposes. It is also unlikely that the immediate land would be actively farmed in such a context and with the extent and nature of planting that the applicant has introduced.

In this respect, the proposed building is considered to be unnecessary for agricultural use in this location and the site is some distance from the land which the applicant advises he rents for farming. It is not considered appropriate to grant permission for an agricultural building on a piece of land merely because the applicant owns the land, but where the farming activity is elsewhere. This would lead to unsustainable journeys to and from the parcel of land for vehicles, equipment, fodder, etc. to be taken to the land which is actually being farmed.

This could also lead to nuisance to local residents and villagers with such comings and goings. Notwithstanding this, it has to be accepted that the applicant can and does store agricultural equipment in the open on the site and could travel to and from the site if the building was not approved. However, the provision of the building would serve to underpin such an operation and the comings and goings.
4. Highway Issues
The Local Highway Authority has raised no objection to the proposal provided the activity is in association with the applicant’s surrounding land. However, the applicant currently stores farm equipment in the open, at the application site, for use in this wider holding. In this respect, it is considered by Officers that, if approved, it would be reasonable to require that the agricultural building is only used for the purposes of the applicant’s holding and for no other usage.

5. Conclusion
It is appreciated that the applicant rents land in Middleton-by-Wirksworth for the purposes of agriculture and, as it is rented land, he does not wish to erect an agricultural storage building on such land that he does not own.

The applicant advises that he sought to use the application site for agricultural purposes but, given that previous applications for agricultural buildings have been refused, he has sought an alternative use with the office proposal, and he is currently undertaking the works to the field barn to create the office.

Given the above, Officer’s suggested to the applicant that if it was his intention to farm the land in conjunction with the field barn, that this may justify the smaller storage building which is the subject of this application. The applicant was advised that if the permitted office use were to be rescinded, this would give some credibility to the agricultural storage building in association with the field barn and the usage of the land for agriculture. However, whilst, the applicant’s agent indicated that his client would be prepared to forego the use of the field barn as an office, if he could have the additional agricultural building and utilise the site for agricultural purposes, the applicant has now advised that this is not his intention and that the office would be created.

Whilst the proposed agricultural building would serve to house the vehicles and equipment set around the field barn, the manner in which the applicant keeps his vehicles and equipment in the open should not be regarded as a reason for justifying an isolated building in the open countryside in which to store them, where there is otherwise no other justification. If such a scenario were to repeated on other parcels of agricultural land in the District, to seek further built development in the open countryside, this would cumulatively undermine the character and appearance of the open countryside.

Therefore, notwithstanding that the proposed agricultural building has been reduced in scale, and set in a more recessive location on the site, it is nevertheless considered that the building is unjustified in this location for the purposes of agriculture in the context of a building which is to be converted to an office, and where the proposed building is set away from the main holding on which the equipment would be used. Whilst the proposed building may not be easily perceptible in the wider landscape, this does not justify what Officers otherwise consider to be an unwarranted development in the open countryside and the Wirksworth Conservation Area.
OFFICER RECOMMENDATION:
That Planning permission be refused for the following reason:

1. The agricultural storage building is proposed on land which contains an existing field barn which it is intended to be converted to an office. The provision of a further agricultural building in this sensitive location, in these circumstances, is not considered reasonably necessary for the purposes of agriculture on the unit. The provision of a further building would be an unjustified intrusion into the open countryside and the Wirksworth Conservation Area, detrimental to their character and appearance. As such, the proposal fails to comply with Policies SF4, SF5, EDT13, NBE8 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005), with Policies NP1 and NP2 of the Wirksworth Neighbourhood Plan (2015-2028) and with government guidance contained in paragraphs 17, 61, 131, 132 and 134 of the National Planning Policy Framework.

NOTES TO APPLICANT:
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 further 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 notice relates to the following documents:

Site Location Plan 1:1250 received on 25th June 2015
Block Plan 1:500 received on 25th June 2015
Elevation and Layout Plan 1:100 received on 25th June 2015
Design and Access Statement received on 25th June 2015
Additional Information received on 24th September and 19th October 2015.
**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<tr>
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<td>44 Summer Lane, Wirksworth</td>
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<td>The Woodyard, Homesford, Whatstandwell</td>
<td>WR</td>
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</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.

BACK TO AGENDA
Appeal Decision

Site visit made on 4 November 2015

by N McGurk BSc (Hons) MCD MBA MRPI

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

Decision date: 15 December 2015

Appeal Ref: APP/P1045/W/15/3119169
Land east of Glebe Farm, Doveridge

- 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 Chadwick against the decision of Derbyshire Dales District Council.
- The application Ref 15/00048/FUL, dated 27 January 2015, was refused by notice dated 25 March 2015.
- The development proposed is the erection of a single storey dwelling on land east of Glebe Farm, Doveridge.

Costs

1. An application for costs was made by Mr and Mrs Chadwick against Derbyshire Dales District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The site address above is taken from the application form. No postcode is provided on the application form, appeal form or decision notice.

4. Two recent applications for the erection of a dwelling were withdrawn.

5. The appellants state that they cannot find any record of the Council informing them or their agent "with respect to comments from highways." I note that, with specific regards to restricted visibility, the Council’s officer’s report refers to responses by the Highway Authority to the previously withdrawn applications. There is nothing before me to demonstrate that the Council purposefully withheld information or failed to respond to requests from the appellants for information.

6. The Highway Authority consultation response, dated 6 March 2015, has been provided and the Highway Authority has provided further evidence objecting to the proposal on the grounds of highway safety. I note that the Framework is clear in its requirement for development to create safe and accessible environments (Para 58).

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1 Ref: 14/00619/FUL; 14/00147/FUL.
Main Issues

7. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on highway safety; and its effect on flood risk.

Reasons

Character and appearance

8. The appeal property is located in the open countryside adjacent to the settlement of Doveridge. It is rectangular in shape and comprises a flat area of land, partly hard-surfaced and partly greenfield.

9. There are agricultural buildings and living accommodation including a converted barn to the south west and west of the site, respectively, and open agricultural land to the south east and east. Lower Street is located to the north, from which the site is accessed. During my site visit I observed that, in this location, Lower Street is a narrow, unpaved and unlit country lane and a number of agricultural buildings and houses are accessed from it.

10. Also during my site visit, I noted that the appeal site and the adjoining field are separated from Lower Street by a hedgerow, around and over which are extensive views across the open countryside to the south of Doveridge. As open land adjoining countryside and bordered by a hedgerow, the appeal site makes a significant contribution to the green, open and spacious qualities of the area.

11. Further to the above, whilst there are a number of dwellings that are accessed from and seen from Lower Street, I consider that the over-riding characteristic of the area is rural. This results from a combination of factors, including the country lane appearance of Lower Street, the presence of hedgerows, farms and agricultural buildings, the rural vernacular of many dwellings in the area and notably, the presence of significant gaps of open land, free of buildings, between small clusters of buildings. The appeal site lies within one such gap.

12. The proposed dwelling would comprise a building of substantial length and would be located within an open area where no building currently exists. As a consequence of this, it would, I find, urbanise an area of open countryside to the detriment of the green, open and spacious qualities identified above.

13. Furthermore, I find that the design of the proposed dwelling, including its long narrow footprint and modern domestic appearance would lead it to appear out of keeping with its surroundings. It would share few, if any, of the rural vernacular features apparent in the area and would simply appear as a new modern dwelling in the open countryside.

14. Taking all of the above into account, I find that the proposed development would harm the character and appearance of the area. This would be contrary to the Framework and to Local Plan\(^2\) policies SF4, SF5 and NBE8, which together amongst other things, protect local character.

\(^2\) Derbyshire Dales Local Plan (2005).
Highway Safety

15. The site has an existing vehicular access. Whilst this access does not meet the requirements set out in Manual for Streets, further to my site visit and consideration of the evidence before me, I am satisfied that a new access, with visibility splays that would meet the requirements of the Highway Authority, could be provided.

16. In addition to the above, I find that the addition of one house would not result in a significant increase in traffic and that the proposal would improve an existing access.

17. Taking the above into account, I find that the proposal would not harm highway safety and would not conflict with the Framework and Local Plan policy TR1, which together amongst other things, seek to provide a safe environment. However, the potential for the improvement of an existing access is not a factor that outweighs the significant harm identified above.

Flood Risk

18. Part of the appeal site lies within Flood Zones 2 and 3. The Framework requires local planning authorities, when determining planning applications, to ensure that flood risk is not increased elsewhere. Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific Flood Risk Assessment (FRA) following the Sequential Test, and if required the Exception Test, further measures specified in paragraph 103 of the Framework, can be demonstrated. The Sequential Test is therefore the starting point for consideration of the proposed development.

19. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The appellant has submitted an FRA. However, this simply refers to an exercise whereby “Rightmove” was used to see if any development sites are for sale within a mile of Doveridge. I consider this to be a wholly insufficient analysis of whether there may be other reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

20. There is no substantive evidence before me to demonstrate that consideration of what might be being advertised on “Rightmove” within a mile of Doveridge amounts to a comprehensive, or definitive source of information relating to reasonably available sites in areas with a lower probability of flooding. In this regard, I am mindful of the Council’s comment that no account, for example, was taken of sites identified as being available for development as part of its “Call for Sites” exercise.

21. Taking the above into account, the FRA does not provide substantive evidence such that I can conclude that there are no reasonably available alternative sites at locations where the risk from flooding is less.

22. Consequently, I find that the proposal fails the Sequential Test due to the provision of insufficient evidence and that it therefore runs contrary to one of
the fundamental aims of government policy. This adds weight to the harm identified above.

Conclusion

23. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

BACK TO APPEALS PROGRESS REPORT
Appeal Decision

Site visit made on 17 November 2015

by Mark Caine  BSc (Hons) MTPL MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2015

Appeal Ref: APP/P1045/W/15/3087227
The Woodyard, Homesford, Whatstandwell, Matlock, DE4 5HL

- 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 P Hodgkinson against the decision of Derbyshire Dales District Council.
- The application Ref 14/00617/FUL, dated 11 September 2014 was refused by notice dated 19 December 2014.
- The development proposed was originally described as the “change of use of land to 4 holiday lodges and trekking centre.”

Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the applicant is given as Mr P Hodgkinson in the original planning application form, but the appellant’s details are specified as Mr P Hodgkinson in the submitted appeal form. I am satisfied that this was a typographical error and that Mr P Hodgkinson is the appellant. I have therefore amended the appellant’s details in the banner above to be consistent with those provided in the appeal forms.

3. Notwithstanding the description of the proposed development set out above, which is taken from the application form, it is clear from the plans submitted with the planning application, the Council’s decision notice and the appellant’s grounds of appeal, that the proposed development comprises the change of use of land for siting 4 holiday lodges, the erection of a building for a stable and store and new access. The Council has dealt with it on this basis and so shall I.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the Derwent Valley Mills World Heritage Site.

Reasons

5. The appeal relates to an open area of land that lies within the Derwent Valley Mills World Heritage Site (WHS). Although the immediate surroundings are characterised by woodland and a natural landscape, the appeal site occupies a relatively prominent position alongside the busy A6 highway, which is a main arterial route that runs the length of the valley.
6. WHSs are places of outstanding universal value, defined as of a cultural and/or natural significance that are so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. They are also defined as heritage assets in the National Planning Policy Framework (The Framework).

7. Statements of Outstanding Universal Value (SOUV) set out what the World Heritage Committee considers to be the Outstanding Universal Value of the WHS. In this case, the SOUV highlights the cultural landscape of the Derwent Valley, which was where the modern factory system was developed and established, as contributing towards its outstanding universal value. Indeed, the SOUV identifies Derwent Valley as providing, for the first time, a large scale industrial production in a hitherto rural landscape.

8. On my site visit I saw that the large scale industrial production, which I consider to include mill buildings, related housing, the canal, the A6 former turnpike road and railway architecture, is predominantly set in a rural landscape. This landscape therefore contributes towards the significance of the WHS as a heritage asset.

9. I appreciate that the four lodges would be of timber construction and sited in an area that is already hard surfaced. I also note that the appellant considers them to be akin to caravans. It has been put to me that the railway line, canal and other industrial archaeology are not clearly visible in views of the site, and that the lodges would be of a modest size, having a 65m² floor area, and would be sited within plots of approximately 150m².

10. Nonetheless, the proposed development would represent an intensification of urban form through the loss of open space and the erection of four cabins and a stable/store building, with associated fencing, car park and access road. Whilst I note that there are some buildings in the locality, the pattern of development is scattered, and dominated by large sections of woodland in between development. The proposal would therefore be free standing, in an isolated position that is not physically attached to a settlement or other buildings. As a result this would further emphasise the discordant nature and form of the proposed development.

11. I recognise that the proposed buildings would be seen against a backdrop of dense woodland from certain viewpoints, which would be likely to partially obscure some views of the site. Nonetheless, I do not have the full details of the additional proposed landscaping before me so cannot be sure that it would provide effective mitigation along the A6 highway. In any case, the appellant accepts that glimpses of the proposed buildings would be seen from the A6. Parts of the proposed development would also be readily apparent from the vehicular entrance into the site.

12. In light of the factors above I do not consider that the proposal would sensitively assimilate into the woodland setting but would appear conspicuous and in contrast with the rural landscape that is of significance to the WHS.

13. My attention has been drawn to two extant planning permissions on the appeal site. However one is a traveller site that was granted permission for a temporary period of three years and I am therefore unable to conclude that this would be equally or more harmful than the appeal scheme, for which permanent permission is sought. Whilst I have also had regard to the
consultation that took place by the Council in 2013, I am unaware of any planning permission for a permanent traveller site.

14. The other permission relates to a large agricultural building of semi-circular form and utilitarian appearance; however such a structure is not something that is uncommon in a countryside location. Although the appellant also contends that the proposal would not result in a substantial cumulative increase in the volume of the built elements on site, the introduction of four lodges and associated works onto this narrow piece of land would significantly increase the built form and density of development across the site. This would encroach further into the landscape than the approved agricultural building. As such I do not consider that the erection of the agricultural building would have a materially greater effect on the character and appearance of the landscape or the WHS than the proposal. These factors therefore limit the weight that I can afford to them as fall-back positions.

15. Paragraph 132 of the Framework sets out that 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. It goes on to note that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Framework also recognises WHSs as designated heritage assets of the highest status and as such I attach significant weight to its conservation.

16. The harm that I have identified would be relatively localised and thus, in the context of the wider WHS, and in the parlance of the Framework, would be less than substantial. There would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal.

17. The appellant has put to me that new holiday accommodation would be a use that would be beneficial to the heritage asset through additional tourism revenue and raising the awareness and encouraging visitors to the WHS. I recognise that the proposed stable building is intended to facilitate a recreational equestrian facility so that holiday makers could benefit from the proposed link to the established bridleway trails along the Derwent Valley. The appeal site’s sustainable location in regards to accessibility, and its brownfield status have also been put forward as favourable factors. However, I do not consider these matters, to the extent that they amount to public benefits, to outweigh the harm that would be caused to the WHS and its significance as a heritage asset.

18. I therefore conclude that the proposed development would have a materially harmful effect on the character and appearance of the Derwent Valley Mills World Heritage Site. As such it would conflict with the aims of Policies SF4, SF5, NBE8 and NBE25 of the Derbyshire Dales Local Plan 2005 (Local Plan). These permit development where amongst other things; it preserves and enhances the character and appearance of the countryside, landscape, and the Derwent Valley Mills World Heritage Site. These policies are broadly consistent with the objectives of the Framework that intended to protect the historic environment, recognise the intrinsic beauty of the countryside and conserve and enhance valued landscapes.
Other matters

19. I appreciate that positive general pre-application advice was given in 2008 regarding the siting of 6 timber camping pods on the appeal site. However this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the proposal that is before me.

20. For the reasons given above, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR

BACK TO APPEALS PROGRESS REPORT
Appeal Decision

Site visit made on 17 November 2015

by Mark Caine  BSc (Hons) MTPL MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2015

Appeal Ref: APP/P1045/W/15/3130921
9 Eversleigh Rise, Darley Bridge, Derbyshire, DE4 2JW

- 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 Mr M Page against the decision of Derbyshire Dales District Council.
- The application Ref 15/00295/OUT, dated 27 April 2015, was refused by notice dated 23 June 2015.
- The development proposed was originally described as “3 two storey houses.”

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, including its effect on the protected trees.

Reasons

4. The appeal site is an irregular shaped piece of land that comprises part of the front and back garden areas of 9 Eversleigh Rise, a two-storey detached house that is located in a predominantly residential area. It also contains a young replacement Oak tree that is protected by a Tree Preservation Order (TPO).

5. It is common ground that the appeal site is located where there is a transition between tight knit development to the north and more spacious houses in larger curtilages to the south. I appreciate that the plot sizes vary between 250m² and 300m², and that one of the proposed dwellings could be set back around 5m behind the hedgerow frontage. It is also acknowledged that this frontage would be wider than a number of those found at nearby houses. Nonetheless I have taken the present condition of the land as the starting point for assessing the impact on the character and appearance of the area.

6. This open, predominantly undeveloped garden land clearly contributes to the spacious layout along this part of Eversleigh Rise. Whilst I recognise that the proposed layout plan is only indicative the introduction of three dwellings into this area would intensify the built form and density of development across the
site and significantly reduce this space. Although gaps between buildings vary in this area the proposed dwellings would occupy significantly smaller plots than the majority of other existing nearby dwellings, and would inevitably have considerably less space around them and smaller garden areas than is typical for the locality. Existing vegetation would partially obscure some views of the proposed dwellings however they would still be visible from the windows of neighbouring properties and from the access point off Eversleigh Rise. As a result they would appear cramped and out of context with the prevailing linear pattern of development and spacious layout to this part of Eversleigh Rise.

7. Further to a positive consultation response from their Local Highway Authority the Council now accept that there is no requirement to remove the trees along the western boundary of the appeal site. Given the orientation of the trees in relation to the direction of the sun I am also satisfied that no significant overshadowing of the proposed garden areas would occur. Nonetheless, I do not have a tree survey or an arboricultural report before me to provide details of the Oak tree’s root protection area, and likely growth, height and spread.

8. It has been put to me that the nearest dwelling could be located approximately 8 metres away from the protected Oak tree. I am aware that this tree is relatively young, only approximately 1.8 metres in height and cannot be clearly seen from the public domain. Nevertheless I have no substantive reason to question its on-going potential to contribute to visual amenity. Whilst the appellant has also suggested that the Oak tree could easily be transplanted if its survival was at risk, I have little substantive evidence before me to be certain that this would ensure the tree’s protection and continued health. Moreover I have not been provided with any details of where it would be planted and I am therefore unable to provide an accurate assessment as to whether it would have similar potential visual amenity value.

9. In the absence of any compelling evidence to the contrary I cannot be certain that the proposed construction would not harm the future health of this tree. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the area, including its effect on the protected tree. As such it would conflict with the aims of Policies SF5 and H9 of the Derbyshire Dales Local Plan 2005 (Local Plan) which only permits, amongst other things, development that has regard to distinctive landscape features and has a density that preserves or enhances the quality and local distinctiveness of its surroundings.

Other matters

10. The appellant has referred to a number of other matters in support of his case. These include the efficient use of land, the lack of harm that the proposed houses would cause in regards to overlooking and overshadowing, and the substantial amount of garden area that would be retained for residents of No 9. I appreciate that an ecology survey has been submitted to demonstrate that the proposal would not have a material impact on the habitat of Great Crested Newts, and I have had regard to the appeal site’s relatively sustainable location in regards to accessibility. I also note that the Council accepts that it is unable to demonstrate a 5 year supply of housing land and as such the provision of three additional dwellings must weigh in the development’s favour. Nonetheless, all of these matters do not outweigh or overcome my concerns...
regarding the effect of the proposed development on the character and appearance of the surrounding area.

11. In addition to the matters raised above I note that the appellant argues that a small scale scheme for three houses should not be burdened with the requirement for a financial contribution towards the provision of affordable housing. However as I intend to dismiss the appeal for other reasons I have not concluded on this matter as it would not alter my overall decision.

12. For the reasons given above, the appeal is therefore dismissed.

Mark Caine
INSPECTOR

BACK TO APPEALS PROGRESS REPORT
**Appeal Decision**

Site visit made on 17 November 2015

by Mark Caine  BSc (Hons) MTPL MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 December 2015

Appeal Ref: APP/P1045/W/15/3130888
Nether Close Farm, Starkholmes Road, Matlock, Derbyshire, DE4 3DD

- 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 Mr D Doxey against the decision of Derbyshire Dales District Council.
- The application Ref 15/00296/OUT, dated 27 April 2015, was refused by notice dated 29 June 2015.
- The development proposed is two dwelling houses.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline, with only access to be determined at this stage. I have therefore dealt with the appeal on this basis.

### Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, including its effect on the protected trees.

### Reasons

4. The appeal relates to part of an undeveloped open field that is one of a series of long adjoining strip fields that are aligned with mature trees, and hedgerows. Due to the topography of the area the strip fields slope downwards from higher ground towards the appeal site. Indeed, the appeal site contains a number of protected trees that make a positive contribution to the visual amenity of the area (as recognised by their inclusion in the Tree Preservation Order). It is also accessed via a long narrow track that runs in between Matlock St Giles Primary School and Highfields Lower School.

5. I noted on my site visit that the proposed dwellings would be sited a considerable distance behind the existing residential properties off Starkholmes Road. I also recognise that there are other developments nearby however given the degree of separation from the dense built up form of Starkholmes and the predominant green spacious character of the area I consider the appeal site to have more affinity with, and to read very much as a part of, the adjoining open agricultural land form and countryside.
6. The proposed layout plan is only indicative and I appreciate that the hedgerow boundaries and the field pattern to the east would not be impinged upon. Nonetheless, the introduction of two dwellings onto this expansive open land would increase the built form and density of development across the site. This intensification of built development and resultant loss of openness would be detrimental to the intrinsic value and character of the rural landscape and countryside in this location. Whilst there is some mature landscaping in the vicinity, this would not negate this harm, especially during those times of the year when the deciduous trees are not in leaf. As such the proposal would be readily apparent from a number of the nearby public footpaths.

7. I consider the orientation of the protected trees in relation to the direction of the sun to be such that no significant overshadowing of the proposed garden areas would occur. The appellant’s indicative layout plan also shows that the proposed dwellings could be sited a satisfactory distance away from them to ensure their continued health and retention. Furthermore, whilst there would be leaf litter and falling branches on occasions this is not a matter that would cause unacceptable pressure to lop, top or fell trees.

8. Nonetheless, the proposed access into the site would be located in close proximity to the protected trees and would have clear potential to cause harm to them. I have little substantive evidence, or professional arboricultural advice before me to adequately demonstrate that the trees would be adequately protected during or after the construction of the development. The appellant has expressed a willingness to accept a condition for the submission and approval of tree protection measures that would include a construction methodology statement and plan showing accurate root protection areas. However a reasonable degree of certainty is required to ensure that an effective solution can be achieved. In the absence of any compelling evidence to the contrary I cannot be certain that this would ensure the protection of the protected trees. As such I consider that it would be unreasonable to deal with this matter by condition.

9. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the area, including its effect on the protected trees. It would conflict with the aims of Policies SF4, SF5, NBE6, NBE7 and NBE8 of the Derbyshire Dales Local Plan 2005 (Local Plan) and similar objectives in paragraphs 17 and 55 of National Planning Policy Framework (the Framework). Amongst other things, these seek to preserve and enhance the character and appearance of the countryside, having regard to factors such as density and impact upon trees and the local distinctiveness of the landscape.

Other matters

10. The appellant has put forward a number of other matters in support of his case. These include the appeal site’s relatively sustainable location, that the proposed development would not encroach on the footpath, and that a land designation does not support the Council’s view that the landscape is historic. The Council accept that they are unable to demonstrate a five year supply of housing land and I attach substantial weight to the presumption in favour of sustainable development and the contribution, albeit modest, that the proposal would make to tackling the undersupply of housing land in the district. Nonetheless, all of these matters do not outweigh the significant harm that
would be caused to the character and appearance of the area, or justify isolated development in the open countryside contrary to local and national planning policy.

11. For the reasons given above, the appeal is therefore dismissed.

Mark Caine
INSPECTOR