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14 July 2015

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a special meeting on **WEDNESDAY 22 JULY 2015 at 6.00pm at the Elim Pentecostal Church, Waterside Business Park, Waterside Road, Ashbourne DE6 1DG.**

MEMBERS ARE ADVISED TO WEAR STOUT FOOTWEAR AND SUITABLE CLOTHING FOR SITE VISITS

Yours sincerely

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

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the **ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne** at **1.00pm prompt**. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Planning Committee – 14 July 2015

3. INTERESTS

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

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

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4.1 APPLICATION NO. 15/00270/FUL (Site Visit)	5 – 11
Two storey building to provide retail units, spa, salon and office space including alteration to existing building at land off Horse and Jockey Yard, St. John Street, Ashbourne.	
4.2 APPLICATION NO. 15/00279/FUL (Site Visit)	12 – 29
Change of use of land to 3MW solar farm with associated infrastructure at Lady Hole Farm, Lady Hole Lane, Yeldersley.	
4.3 APPLICATION NO. 15/00089/FUL (Site Visit)	30 – 43
Change of use of land to solar farm with associated infrastructure, land at Dayfields Farm, Atlow.	
4.4 APPLICATION NO. 15/00319/OUT (Site Visit)	44 – 66
Residential development of up to 115 dwellings with associated public open space (outline) at Leys Farm, Wyaston Road, Ashbourne.	

NOTE

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

Members of the Committee

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

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

Substitute Members

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

SITE VISITS

Members will leave the Ashbourne Elim Pentecostal Church at 1.00pm prompt for the following site visits:

**1.15pm Application No. 15/00270/FUL
LAND OFF HORSE AND JOCKEY YARD, ST. JOHN STREET,
ASHBOURNE**

Requested by Officers to enable Members of the Planning Committee to assess the impact of the proposed development on the character, appearance and setting of the listed building and conservation area.

**2.00pm Application No. 15/00279/FUL
LADY HOLD FARM, LADY HOLE LANE, YELDERSLEY**

Requested by Officers to enable Members of the Planning Committee to assess the impact of the proposed development on the immediate and wider landscape.

**3.00pm Application No. 15/00089/FUL
LAND AT DAYFIELDS FARM, ATLOW**

Requested by Officers to enable Members of the Planning Committee to assess the impact of the proposed development on the immediate and wider landscape.

**4.00pm Application No. 15/00319/OUT
LEYS FARM, WYASTON ROAD, ASHBOURNE**

Requested by Ward Members and Officers to enable Members of the Planning Committee to fully appreciate the issues involved.

5.00pm RETURN TO ELIM PENTECOSTAL CHURCH

COMMITTEE SITE MEETING PROCEDURE

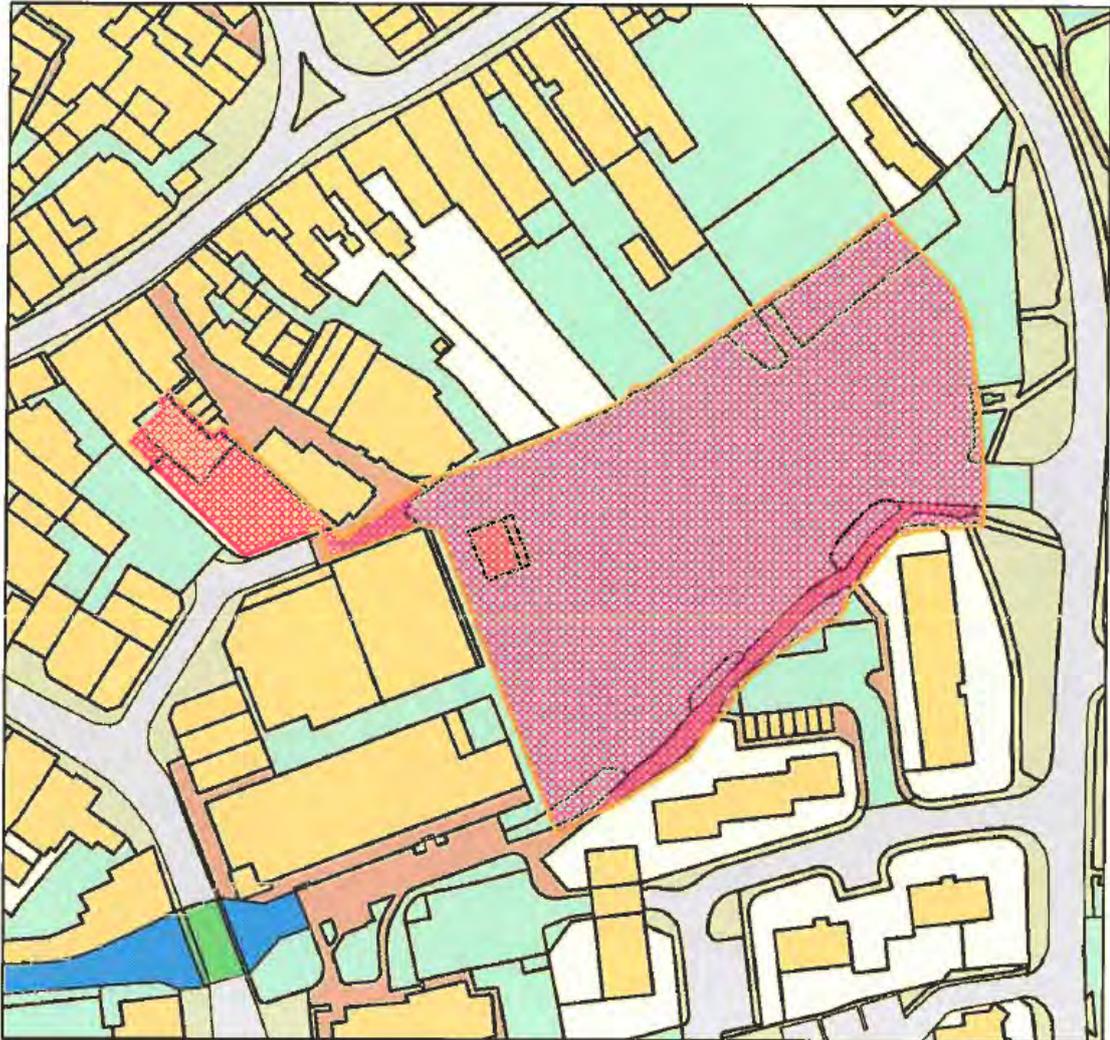
You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents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

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

15/00270/FUL

Land Off Horse and Jockey Yard, St John Street, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 10/07/2015

100019785

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

15/00270/FUL TWO STOREY BUILDING TO PROVIDE RETAIL UNITS, SPA, SALON AND OFFICE SPACE INCLUDING ALTERATION TO EXISTING BUILDING AT LAND OFF HORSE AND JOCKEY YARD, ST. JOHN STREET, ASHBOURNE FOR MR. G. SAYERS

Town Council: Ashbourne
Application type: Full

Date of receipt: 23.04.15
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site is a vacant plot of approximately 0.5ha in area. It is set to the south of No. 16 St. John Street, which is a Grade II listed building, and between Hoods Yard and the retail units on Horse and Jockey Yard

THE APPLICATION:

Full planning permission is sought for a two storey building, including alteration to the existing out building, to provide two retail units, a spa and bin store on the ground floor with a salon, offices space, reception, store/plant rooms, three toilets (one disabled access) to the first floor. The first floor would accessed via a circular staircase and lift.

The form of the building is proposed to follow the lines of the burgage plot in a roughly L-shaped form. It is proposed to have a flat roofed element screened by the face of a pitched roofed element to the building projecting into the plot. A further projecting gable is proposed where the new build abuts the existing outbuilding to the rear of No. 16 St. Johns Street. Shopfronts would present themselves on all the public elevations.

The building is proposed to be constructed with red/orange facing brick, Staffordshire blue tiles (or similar) and have painted/opaque stained hardwood windows. Boundary treatments would include brick walls and painted galvanised steel railings. The hardstanding is proposed to be brick/block pavers.

The applicant has made an assessment of the proposed development in its context and studied historical maps and considers that there is little evidence of the site having been previously used for residential or retail uses. Regard is given to the relatively modern buildings leading down to Dig Street to the west as being relatively simple, with elevations being completely flat and following the line of the road which, although not a typical historic Ashbourne street frontage, is considered to adhere to the traditional layout. The relatively modern buildings to the south and east of the site are considered to be of a design that does not respect the traditional profile.

The applicant advises that the proposed development respects the lines of the burgage plot and that the footprint of the building, along with the aforementioned development, helps to reinforce the retail edge of the street and to complete the wider retail centre. The applicant advises that the built form and roofscape is proposed to reflect upon the buildings referred to above and would incorporate linear gables to emphasise the linear format of the plots, defining the corners of the building where necessary. It is proposed that an underpass would be provided to link St. Johns Street with Dig Street.

It is proposed to renovate and join the redundant building to the rear of 16 St. John Street to the proposed new build development, to provide a holistic redevelopment of the site. This would entail alteration to the listed building with the removal of the brickwork from the cill to floor level on the first floor gable window.

15/00270/FUL (Continued)

RELEVANT HISTORY:

WED/0394/0232/C	Demolition of building in a Conservation Area – Granted and implemented
WED/0394/0150	Erection of three shop units – Granted but not implemented
WED/0993/0635/C	Erection of 9 retail units with associated service areas – Granted and implemented

CONSULTATIONS:

Town Council – No objection.

Local Highway Authority – No objection subject to conditions regarding construction works.

Environment Agency – No objection – Comment - type of development acceptable within Flood Zone 3 subject to sequential test being applied by the Local Planning Authority.

Historic England – Comment - application should be determined in accordance with national and local policy guidance and specialist conservation advice.

Conservation Advisory Forum – Object:

- reappraised pre-application comments given in January 2014
- considered the principle of development on the site to be acceptable and the creation of physical connections between the old and new shopping areas was also supported
- raised objections to the proposed design of development
- whilst the proposal follows the general alignment of the burgage plot, the scheme fills a large percentage of the plot and the scheme as presented appears overly long and linear
- the north /south buildings have a consistent and unbroken ridge-line height, which was considered to be excessively elongated and this long length of building then appears fragmented by incremental development
- the massing and design fails to connect the development with the character and quality of the surrounding historic area
- there is no height differential to the proposed rooflines
- proposal is not considered an 'honest' design as structural illusions have been created to conceal the internal spaces
- external appearance appears to have been conceived by internal space requirement
- the scheme is neither modern contemporary nor vernacular pastiche - not a good example of neo-vernacular architecture
- there is a visual incoherence between elements of the proposed scheme particularly the gables which are unarticulated, in relation to the overall build
- standard window/shop front details with no robust depth to their design
- overall, the scheme is considered to present an uninspired design which will not add to the character, quality or vitality of the town centre
- a more inspired design which rises to the challenge of the site is required.
- urge that an overall Masterplan for the area should be submitted for consideration
- suggest that any further proposals rise to the challenge of the site and are referred to OPUN.

Development Control Archaeologist – Holding objection given the absence of an archaeological evaluation.

15/00270/FUL (Continued)

REPRESENTATIONS:

One letter of representation from a Derbyshire resident. The comments can be summarised as follows:

- support the building's appearance
- feel it is important that development maintains the Conservation Area's character and the setting of nearby listed buildings

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Frameworks
 - SF5 Design and Appearance of Development
 - SF7 Waste Management and Recycling
 - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
 - NBE12 Foul Sewage
 - NBE16 Development affecting a Listed Building
 - NBE17 Alterations and Extensions to a Listed Building
 - NBE18 Conversion and Changes Of Use of A Listed Building
 - NBE21 Development Affecting a Conservation Area
 - NBE22 Shopfronts in Conservation Areas
 - NBE24 Archaeological Sites and Heritage Features
 - NBE26 Landscape Design in Association with New Development
 - NBE27 Crime Prevention
 - S6 The Design and Appearance of Shops and Commercial Premises
 - S7 Shopfront Security
 - TR1 Access Requirements And The Impact Of New Development
 - TR8 Parking Requirements for New Development
2. National Planning Policy Framework
3. National Planning Policy Guidance
4. Other
 - Ashbourne Conservation Area Appraisal
 - Derbyshire Dales District Council Supplementary Planning Document – Shopfronts and Commercial Properties Design Guidance (2006) – (modified 2012)

ISSUES:

1. Introduction - Policy

The site is an open, brownfield site which would benefit from development to improve the way the site interrelates with the historic core of the town centre and the more modern buildings on the periphery. The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and an assessment of whether a development is sustainable comprises economic, social and environmental considerations.

The development itself is in a town centre location, would provide for economic benefit with employment in the construction process and in the business operations and would assist with sustaining the vitality of the town centre. In this respect, the proposed development would meet with the requirements for social and economic sustainability.

15/00270/FUL (Continued)

With regard to environmental sustainability, the principal matters for consideration are the impact that the proposed development would have on the character and appearance of the Ashbourne Conservation Area, the setting of listed buildings in its proximity and archaeological matters.

2. Impact on the Development on the Character and Appearance of the Conservation Area and Listed Buildings

The application site forms part of a burgage plot to No. 16 St. John's Road, which is a Grade II listed building. Whilst the proposal follows the general alignment of the burgage plot, the development appears overly long and linear. The proposed north/south buildings have a consistent and unbroken eaves and ridge-line, which is excessively elongated, and this long length of building then appears fragmented by incremental development. There is no height differential to the proposed rooflines. As the land slopes gently from the north down to the south, it would be expected that buildings within the burgage plot would follow this slope and respect the scale and height of the existing buildings.

In addition, the scheme fills a large percentage of the plot which has always been largely open. In this regard, it is considered that development of the site may be acceptable along the western and southern boundaries with a more traditional scale of built form which would provide a greater degree of openness on the site in the form of a courtyard area.

The 'wings' within the plot along the east-west alignment are, to some extent, at odds with development found in burgage plots which generally follow the alignment of the longer sides and return at the ends. The use of the southerly wing of the courtyard is largely as a means of disguising the significant extent of flat roof set between it and the pitched roof element aligning the southern boundary of the site. As such, the proposal is not an 'honest' design as structural illusions have been created to conceal the internal spaces and the external appearance appears to have been conceived by internal space requirements.

In terms of points of detail, the scheme is neither modern contemporary nor a vernacular pastiche and in this respect is not a good example of neo-vernacular architecture. There is little visual coherence between elements of the proposed scheme, particularly the gables which are unarticulated in relation to the overall build. The standard window/shop front details have no robust depth to their design and there is a general 'flatness' to their appearance. Other areas that raise concern are the 'floating' pilaster bases, no recess to the doorways and flat fascias, cornices and corbel brackets. In this respect, it is considered that this does not reflect on guidance contained in the District Council's Supplementary Planning Document – Shopfronts and Commercial Properties Design Guidance (2006), notwithstanding that they are seeking to copy more modern buildings in the vicinity.

Given the above, it is considered that the development would harm the setting of No. 16 St. John Street with the existing hierarchy being the mass of No.16 and its more subservient outbuilding. In this respect, the scale, massing and design fails to connect the development with the character and quality of the surrounding historic area and, overall, the scheme is considered to present an uninspired design which will not add positively to the character, quality or vitality of the town centre.

15/00270/FUL (Continued)

3. Archaeological Issues

The Development Control Archaeologist has considered the application. It is advised that the site is one of a handful of undeveloped yards within a series of long, narrow properties running back from St. John's Road, down the slope towards the line of Henmore Brook. The brook has probably been straightened and moved at various times in response to flooding problems. Certainly, in the 20th century it was diverted southwards to its present course.

The block of long, narrow properties to which the proposed development site belongs have been identified in the Ashbourne Extensive Urban Survey (Stroud 2001) as medieval burgrave plots. It is thought that in medieval and early post-medieval times, behind the buildings fronting the main streets, such plots would have served for a variety of industries. In particular, proximity to water, as with Henmore Brook, might have attracted industries such as tanning and dyeing to these so-called back-plot areas.

Historic mapping indicates that the proposed development site has largely remained as an open site with no substantial buildings having ever been built. This suggests that there may be largely undisturbed, physical remains of medieval and/or early post-medieval activity preserved below the ground surface. As such, NPPF paragraph 128 requires that the applicant establish the significance of any such archaeological remains as part of a planning submission.

In this case, because of the substantial scale of proposed development, and the potential for well-preserved medieval archaeology, the Development Control Archaeologist recommends that this should involve an archaeological field evaluation of the site by trial trenching, with the results submitted as part of the planning application. Without such information, the application does not meet requirements of paragraph 128 of the NPPF and therefore there is a holding objection on grounds of lack of information.

4. Other Matters

The Local Highway Authority has raised no objection to the proposal in terms of parking provision given its town centre location. In terms of flood risk, this site is a sequentially preferable one given its location within the town centre. It is also considered that the development will not impact significantly on the amenity of residents in the area.

5. Conclusion

Whilst some development of the site could preserve or even enhance the character and appearance of the area, it is considered that, given the above assessment, the development proposed would detract from the Conservation Area and the setting of the listed building to which it is proposed to be attached. In addition, the site is in an area where there could be significant archaeology and insufficient information has been submitted to address such a matter. As such, it is recommended that planning permission be refused.

OFFICER RECOMMENDATION:

Planning permission be refused for the following reason:

1. The development, by reason of its extensive footprint, incongruous design and poor relationship to adjoining buildings would cause significant harm to the character and appearance and setting of the listed building No. 16 St. Johns Street and the character and appearance of the Ashbourne Conservation Area. As such, the proposal fails to comply with Policies SF1, SF5, NBE16, NBE17, NBE18, NBE21,

15/00270/FUL (Continued)

NBE22 and S6 of the Adopted Derbyshire Dales Local Plan (2005), guidance contained in the District Council's Supplementary Planning Document – Shopfronts and Commercial Properties Design Guidance (2006) and government guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

2. In the absence of an archaeological evaluation, the applicant has failed to establish whether there is significant archaeology within the site and as such the proposal is contrary to Policy NBE24 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in paragraph 128 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 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 17th April 2015

Block Plan 1:500 received on 17th April 2015

Design and Access, Statement of Significance and Impact received on 17th April 2015

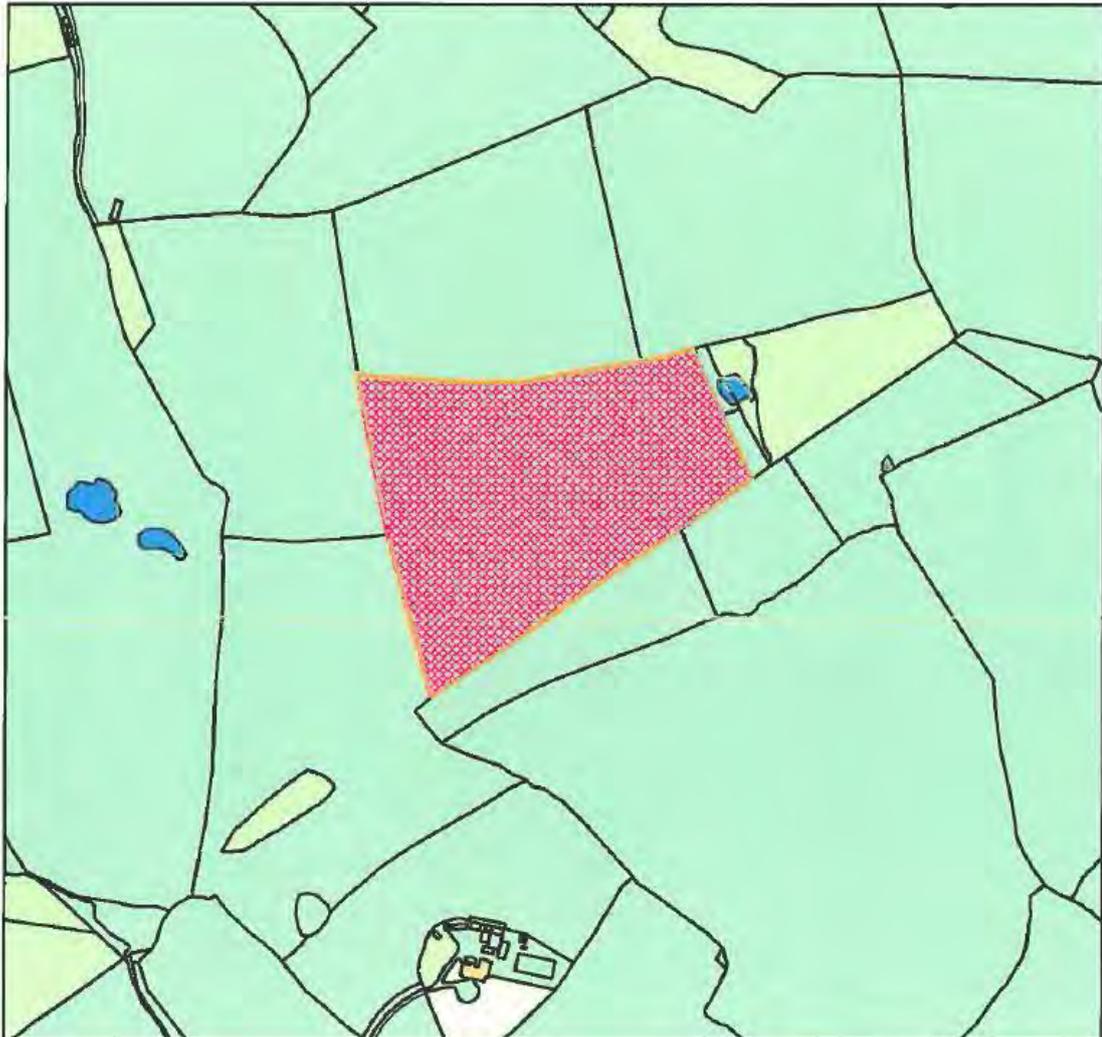
Severn Trent Water Sewer Record Plan received on 17th April 2015

Drawing Nos. 517 (2103) – P01, 02, 03, 04, 05, 06 and 10 received on 17th April 2015.

BACK TO AGENDA

15/00279/FUL

Lady Hole Farm, Lady Hole Lane, Yeldersley



Derbyshire Dales DC

1:5,000

Date: 10/07/2015

100019785

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

15/00279/FUL CHANGE OF USE OF LAND TO 3MW SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE AT LADY HOLE FARM, LADYHOLE LANE, YELDERSLEY FOR MR ANDREW ALLEN

Parish Council: Yeldersley
Application type: Full

Date of receipt: 22.04.15
Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:

The site comprises an agricultural field in open countryside to the north of Lady Hole Farm and south of the A517 (Belper Road) between Ashbourne and Bradley. The field covers an area of 5.3 hectares and rises in a northerly direction. It is bound on all sides by hedgerows with scattered, mature hedgerow trees. A small copse of trees is located to the north east.

A public footpath is routed along the southern boundary of the field (Public Footpath no. 23 Bradley) and others traverse fields on either side close by. The wider area is sparsely populated with farmsteads and individual households scattered along Lady Hole Lane and Moorend to the south and east.

The Airfield Industrial Estate at Ashbourne is some distance away to the west.

Lady Hole House, the nearest residential dwelling is located approximately 400m to the south of the field, beyond a belt of trees which line the access road to this property.

THE APPLICATION:

Planning permission is sought for the change of use of the land to a 3MW solar farm and associated infrastructure.

It is proposed to erect rows of frame mounted solar panels on the land. The arrays will run east to west across the field and will be set approximately 3 – 4m apart. The raised back edge of each array will be no more than 2.2 metres high above ground level. The panels will be non-reflective glass structures with a metal surround mounted on frames that will be driven directly into the ground. The panels will occupy 30% of the land. The remainder of the land will continue to be used for grazing.

Associated infrastructure includes a 4m wide access track comprising graded stone on top of a permeable matting, a contractors compound and a series of small buildings, which will house invertors, switchgear and controls. The buildings (which will be faced in a mixture of brick render and metal) will have a small footprint and will be no higher than 4.1m. The entire site is to be surrounded by a 2.3 metre high deer fence with pole mounted CCTV cameras (approximately 2.3m high) for security. Access from Lady Hole Lane will be via an existing route / track off Lady Hole Lane, the entrance to which will be widened to accommodate vehicles used for delivering materials during construction.

No hedgerows or hedgerow trees will be removed. Weak hedgerows will be strengthened with additional planting and a new hedgerow will be established along the northern side of the footpath which runs along the southern boundary and additional trees planted in the hedgerow along the south east boundary. The hedgerows will be maintained to a height of 3m.

The proposed development includes a swale in the drainage design to accommodate for an increase in surface water run-off with climate change.

15/00279FUL (Continued)

The application is accompanied by the following reports: -

Planning, Design and Access Statement
Construction Traffic Management Plan
Biodiversity Management Plan
Statement of Consultation
Land Classification Survey
Landscape and Visual Impact Assessment
Flood Risk Assessment
Desk Based Archaeological Statement
Heritage Statement, and
Great Crested Newt Survey Report

These reports have been made available on the public file and circulated to consultees. Their contents are discussed as appropriate in 'the Issues' section of this report.

RELEVANT HISTORY:

None.

CONSULTATIONS:

Bradley Parish Council:

No objections.

Ashbourne Town Council:

No objections.

Local Highway Authority:

Raise no objections subject to appropriate conditions.

Derbyshire County Council Rights of Way:

Raise no objections, however, recommend advisory footnotes to safeguard the legal route of Public Footpath no 23.

Peak and Northern Footpaths Society:

Make the following comments:

This development would be visually intrusive for the users of a number of public footpaths. I note, however, that it is proposed to reinforce the hedgerows around the site with planting as necessary to ensure that a winter height of 3m is obtained. This should be a condition on any approval.

The society question the distance the security fence will be set back from the red edge site boundary and the position of any new hedgerow planting. Advise that they raise no objections subject to the width of the paths being maintained and great care being taken to screen views of the site from all nearby footpaths.

15/00279FUL (Continued)

Derbyshire Dales Ramblers Group:
Make the following comments.

Provided that:

1. with Regard to the ROW we note that Bradley FP 23 which borders the site is to be protected by fencing during or after construction and we ask that it remains open at all times,
2. all local Parishes have been consulted and their opinions taken into consideration
3. all local residents have been consulted and their opinions taken into consideration

we have no objection in principle but would suggest that the planning committee ensure that there are no other sites of a brownfield nature that would better suit the local landscape

Environment Agency:
Do not wish to comment.

County Council Minerals

The British Geological Resource maps indicate that this site is not underlain by sand and gravel resources, either alluvial/ glacial or Sherwood Sandstone. Even if it was, a use such as this would not sterilise the resource permanently, so we would not have any significant concerns in terms of mineral safeguarding. On that basis please be informed that the proposed development would not adversely affect the minerals safeguarding interest.

Development Control Archaeologist

Initially requested that a geophysical survey be carried out given the clusters of prehistoric burial monuments in the general area, in particular around the headwaters of the Wyaston Brook, about 2km to the west.

Having considered the results of the geophysical survey (supplied by the applicant) considered there to be very little archaeological potential over the main body of the site. There are certainly no archaeological 'hotspots' justifying a 'no-dig' approach. The north-western corner however appears to have a different magnetic signature when compared to the rest of the site, with a sense of a boundary and some vague linear features. The report interprets this as geological/pedological in origin; however, it is possible that this might indicate archaeological activity, particularly because of the sharp/linear form of the boundary of this area.

Recommends that if there are to be significant groundworks in the north-western corner that they are archaeologically monitored (watching brief), to record any remains in line with NPPF para 141.

Derbyshire Wildlife Trust

No comments received at the time of preparing this report.

Crime Prevention Design Adviser:

Has some concerns around the levels of security for the boundary on this site. Advises that the proposal for the boundary is 2m deer fencing which is not a specialist security product and is likely at best to offer only token resistance to

15/00279FUL (Continued)

intruders. As sites of this natural are in remoter locations that are not well overlooked, for obvious reasons, it is essential security measures provide a defence and not just a token measure. Recent incidents in the East Midlands, including sites in Derbyshire, have shown how easy it is to steal solar panels without having substantial security measures in place. I have attached a copy of national guidance which reinforces this principle and would recommend that the boundary fence is to a minimum of LPS 1175 level 3 and to a height of 2.4 metres or to the current UK Government standard, SEAP (Security Equipment Approval Panel) class 1-3.

Asks that the applicant considers a perimeter alarm system that is linked to the proposed CCTV now we are aware that these sites are attracting criminal interest. This would aid the monitoring station in deploying security site to site at an early opportunity. The county has also seen several incidents where crimes have been committed on power transmission sites with some offenders risking their lives after targeting live cabling.

I would recommend that if the application is granted that the above recommended security measures are conditioned to meet the requirements of policy NBE27.

REPRESENTATIONS:

Representations from three nearby residents objecting to the proposed development have been received. Their comments insofar as relevant to the consideration of this application can be summarised as follows:

- Concern regarding the impact of the development on the enjoyment of the public footpath that runs through the site and the rural character of the area generally.
- Impact of the development on the local landscape and lack of community benefit.
- Loss of amenity and the adverse impact on an ancient landscape, when viewed from Bull Hill and Bradley Wood which are deemed to be of interest to resident walkers and visiting rambblers.
- Concern that the development would bring the industrial nature of the Airfield out into the fields.
- Concern that any future development / expansion of the site would be viewed from Hole in the Wall (a Grade II listed Building).

In addition to the above a request to restrict any further expansion of both wind and solar energy installations in the area if permission is granted has also been made.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005):

- SF4: Development in the Countryside
- SF5: Design and Appearance of Development
- SF6: Protection of the Best Agricultural Land
- NBE6: Trees and Woodlands
- NBE7: Features Important In the Landscape
- NBE8: Landscape Character
- NBE16: Development Affecting a Listed Building
- NBE24: Archaeological Sites and Heritage Features
- NBE27: Crime Prevention
- TR1: Access Requirements and The impact Of New Development

15/00279FUL (Continued)

CS5: Renewable Energy Installations
L9: Safeguarding Public Rights of Way

Other:

The National Planning Policy Framework (2012)

The National Planning Practice Guide (2014)

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

ISSUES:

1. Introduction and Policy Context

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

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

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

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

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

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

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

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a

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well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

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

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

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

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In a ministerial written statement on 25th March 2015 the SOS for Communities and Local Government reiterated the government's approach to the protection of the best and most versatile agricultural land in stating 'we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course planning is a quasi-judicial process, and every application needs to be considered on the individual merits, with due process, in light of the relevant material considerations.

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

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

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

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

Policy NBE16 of the Local Plan seeks to protect the setting of listed buildings and is relevant in relation to listed buildings in the locality and broadly accords with policies in the National Planning Policy Framework.

Policy NBE24 seeks to safeguard archaeological interests from adverse impacts in line with National Policy.

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

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

2. Compatibility of the scheme with the aims of National Policy in relation to locational choices

It is clear from the above analysis that whilst recognising the benefits of solar farms the Government is keen to promote these on brownfield sites or agricultural land of lower quality thereby safeguarding the better quality land for varied agricultural use.

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Paragraph 112 of the National Planning Policy Framework advises local planning authorities to take account of the economic and other benefits of the best and most versatile agricultural land. This is defined in the annex to the National Planning Policy Framework as land in grades 1, 2 and 3a. The guidance continues that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of higher quality.

Policy SF6 of the Local Plan has a presumption against development on the best and most versatile agricultural land unless the development cannot be accommodated on previously developed land and lower grade agricultural land or there are overriding benefits resulting from the development that would outweigh the harm caused to the best and most versatile land.

Fisher German LLP were instructed to investigate the quality of the agricultural land and following guidelines from Natural England, the Department for Environment, Food and Rural Affairs (DEFRA), the Ministry of Agriculture, Fisheries and Food (MAFF) concluded that the land had a Grade 3b classification. Whilst government policy may express a preference for brownfield land to accommodate solar farms utilising land of this categorisation is not in principle contrary to the NPPF, adopted local plan or ministerial statements.

3. Impact on Heritage Assets and Below Ground Archaeology

The application is accompanied by an Archaeological Assessment and Separate Heritage Statement. The Heritage Statement identifies 24 listed buildings within 2km of the application site and concludes that none of these will be adversely affected by the proposed development. The setting of a scheduled ancient monument within 5km of the site and Ashbourne Conservation Area are also considered. It is concluded, however, that there is no intervisibility between the proposed development and these heritage assets and as a consequence, no resultant harm.

The nearest listed buildings are Hole In the Wall which is located approximately 0.9km to the east and Firs Farm Barn 0.8km to the west. As Hole in the Wall is positioned behind Park Farm, on lower ground, the development would not be seen from this property. As a consequence there would be no harm to the setting of / views experienced from this heritage asset. Views can be experienced from the area around Firs Farm towards the site, however, views from this protected group of buildings are not considered to be a significant feature of their setting. They are, in any event, interrupted by vegetation and modern farm buildings. Additional hedgerow planting along the northern, western and southern boundaries will help filter views of the panels from Firs Farm.

In terms of the impact of the development on any below ground archaeology, geophysical survey information reveals the archaeological potential over the main body of the site to be very limited. There are no archaeological 'hotspots'. The north-western corner however appears to have a different magnetic signature when compared to the rest of the site, with a sense of a boundary and some vague linear features. It is possible that this might indicate archaeological activity, particularly because of the sharp/linear form of the boundary of this area. Given the nature of the ground works in this location the County Council Archaeologist recommends that they

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are carefully monitored, to record any archaeological remains in line with paragraph 141 of the NPPF.

The location of the site relative to nearby heritage assets, local landform / topography, intervening boundary vegetation and existing built development is such that there would be no harm to their special character and setting. Although the site would be seen from Firs Farm, the nature of its use, is such, that views of the development (which will in part be filtered by existing and proposed vegetation) would not adversely affect its special setting.

Subject to monitoring the ground works at the north western corner of the site the impacts on heritage assets and below ground archaeology are minimal and not a significant consideration in the assessment of the planning merits of the application.

4. Impact on landscape character and appearance

The application is accompanied by a Landscape and Visual Impact Assessment and supporting photomontages.

This document concludes that the site and its surroundings have a medium sensitivity to change and that the development would result in low magnitude change to the receiving landscape, based on land coverage, the size and height of the panels and fact that they will be contained within one field boundary.

The District Councils own Landscape Officer has considered the impact of the development on the local landscape and concurs that it will occupy a comparatively small area and will be well contained by the undulating landform and surrounding vegetation.

The site is moderately prominent within the landscape but it is small in scale, in an isolated location, well contained within the undulating landscape and views to it from the wider surroundings are substantially filtered by intervening field boundary hedgerows, hedgerow trees and small blocks of woodland. Within close views it is only from public rights of way within the immediate vicinity that the development will be particularly apparent in the short – medium term. This impact can be mitigated by additional hedgerow and tree planting.

The panels themselves will sit low within the surroundings. They will be driven into the ground and as a consequence have little or no impact on the fabric of the landscape. If and when they are removed the land can revert to agriculture having suffered no lasting impact. None of the existing landscape features (trees / hedges) will be removed. Additional planting will be undertaken as part of the application and maintained / managed in order to successfully accommodate the development.

There is likely to be no more than a slight to moderate adverse impact on visual amenity as a result of the development (moderate when viewed from the A50, Lady Hole Lane and the nexus of public rights of way which run close to and cross through the site). Additional / supplementary landscaping will help filter some of these views so that only slight adverse impact on visual amenity is likely.

It is essential that the widened access to the site off Lady Hole Lane and the small buildings associated with the solar farm are successfully accommodated within the

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landscape. Landscape / planting proposals conditioned with any grant of planning permission could address this and the management and supplementary planting proposed for site field boundaries.

There are no other solar farms within this area. As such there will be no cumulative landscape effect.

Given the comparatively limited landscape and visual effect, the proposal would not it is considered conflict with local plan landscape protection policies.

5. Impact on Ecology

The application includes an Ecology Report, Biodiversity Management Plan and Great Crested Newt Survey Report. The Ecology Report looks generally at the implications of the development on habitat, Great Crested Newts, Water Voles, Otter and White-Clawed Crayfish, Bats, Birds, Reptiles and Badgers.

It is concluded that the low impact nature of the installation of solar panels and associated infrastructure will have no effect on the habitats of the statutory and non-statutory protected sites. The habitats to be directly affected by the development are considered to be of moderate ecological value, being confined to improved grassland with some scrub and intact species poor hedgerows with trees. The panels will be mainly sited 10m from the boundary hedgerows and will not affect the improved grassland habitat, which will be enhanced with wildflowers. The development includes proposals to enhance the sites biodiversity including new and infill mixed native species hedgerows and hedgerow trees around the boundary of the site to improve habitat connectivity for species moving around the site. Piles of stacked logs will also be formed around the edge of the site at regular intervals to create resting and hibernation habitat for reptiles, amphibians and invertebrates.

The Great Crested Newt Survey Report identifies that a small population of Great Crested Newts is present in the locality, with two Great Crested Newt breeding ponds located on neighbouring land on the Airfield Industrial Estate. The survey concludes that the application site may be used by Great Crested Newts as terrestrial habitat, although the sward height is maintained low through regular grazing and mowing. It is recommended that the sward height is maintained low (to a maximum height of 10cm) before groundworks proceed and the pond on site is restored through de-silting and removal of scrub to create new habitat in addition to stacks of logs being stacked around the periphery of the site.

The habitat on and near the site is not considered suitable for water vole, otter or white-clawed crayfish.

In terms of the impact on bats, it is concluded that the habitat likely to be used by bats is mainly confined to the hedgerow and tree margins, although it is recognised that bats will also forage over the grassland habitats. The installation and operation of the solar farm is not considered to have any adverse effect on foraging bats. The application proposes to enhance the habitat used by this protected species.

Any works affecting bird nesting habitat such as scrub, hedgerows or trees would need to be conducted outside the main nesting season and an advisory footnote to this

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affect is recommended. The grassland habitat which is grazed and mown regularly is not considered suitable habitat for Skylarks.

The habitat within the area of planned work is considered to be of low suitability to support other reptiles and no badgers have been recorded within the vicinity of the site.

Taking the above into consideration there will be no adverse ecological impacts. Habitat creation proposed as part of the application has the potential to improve biodiversity on the site and in the local area.

6. Highway Safety

The Local Highway Authority do not consider that the proposed development raises any highway safety concerns. The application is accompanied by a Construction Traffic Management Plan. The sites existing access will need to be widened to enable the HGV's to enter and exit the site. This can be carried out under a Section 184 Agreement with the Highway Authority. Once construction is complete the Highway Authority do not object to the modified access being put back to how it was. The submission and agreement of a scheme of supplementary landscaping is recommended to ensure that there is no adverse landscape impact along Lady Hole Lane.

A number of public Rights of Way are affected by the proposed development. The alignment, width and enjoyment of these routes would not be adversely affected by the proposed development. Strengthening of the existing field boundary hedgerows will help filter views of the development from the footpaths. Advisory notes are recommended to prevent obstruction of the paths during and after installation of the panels and to advise the applicant how to apply to temporarily divert the paths.

The majority of deliveries during the construction phase will take place over a 30 day period between the hours of 8am to 7pm Monday to Saturday. In response to feedback from local residents, efforts will be made for these deliveries to occur between 10am and 2pm to avoid traffic associated with the school run. Given the distance of the site to the nearest dwelling and anticipated time that it will take to construct the solar farm, it is not considered necessary to restrict hours of operation in this case. A temporary construction compound will be provided with a car parking area. It will be used for storage, parking for contractors and turning for HGVs.

7. Crime Prevention

The Crime Prevention Design Advisor has expressed some reservation about the level of security and recommends an alarm system is linked to the CCTV proposed and a more robust perimeter fence. Whilst it is recognised that solar panel installations can be subject of theft, the CCTV and deer fencing proposed would provide an acceptable level of security, in this case, having regard to the location of the site and the limited access to it.

8. The Planning Balance

The consideration of the overall planning balance on this application requires an assessment of its adverse impacts and conflict with the development plan and national

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guidance to be weighed against the benefits to be derived from this substantial renewable energy installation.

Following decommissioning there are likely to be long term benefits relating to enhancements made to landscape elements and biodiversity.

There are two issues that weigh against the development to some degree. The first of these is the greenfield nature of the site. Government guidance seeks to promote solar energy first to brownfield sites. However it has to be recognised that within a predominantly rural district it is unlikely that any substantial contribution to renewable energy can be achieved by limiting installations to limited brownfield opportunities. In such a circumstance it is legitimate to look to greenfield sites and seek to avoid the use of the best and most versatile agricultural land. In this instance the land has been classified as 3b which is outside the definition of 'best and most versatile'. The use of this land for a solar farm is not therefore in conflict with policy SF6 of the local plan and whilst it is recognised that the reuse of brownfield land might be more sustainable its limited availability within the district in locations with the necessary grid connections means that the use of this site in principle does not conflict to an unacceptable degree within guidance with paragraph 112 of the NPPF.

The second area of concern which needs to be assessed is the impact of the development on the character and appearance of the landscape. This will undoubtedly change as a result of the development and there is a degree of public visibility of the site from vehicle and pedestrian routes. The council's landscape officer has reviewed the applicant's submission and visited the site. They have concluded that the harm to landscape character will be no more than minor adverse. In addition the harm to visual amenity is likely to be no more than slight with the introduction of supplementary landscaping (which will need to be agreed by condition). Whilst there is a degree of conflict with local plan policy NBE8, the harm is comparatively limited for a major renewable installation such as this when weighed in the planning balance.

The impacts on highway safety, heritage assets and ecology are not significant in planning terms.

Weighed against the adverse impacts identified above are the benefits to be derived from a renewable energy installation of this scale.

Paragraph 98 of the National Planning Policy Framework recognises that even small-scale projects can make a valuable contribution to cutting greenhouse gas emissions and it states a presumption in favour of approving applications if the impacts are (or can be made) acceptable. Having regard to this and that the core planning principles in paragraph 17 of the National Planning Policy Framework and Statement in paragraph 93 recognise the key role of the planning system in supporting the transition to a low carbon future by amongst other things encouraging the development of renewable energy, it is considered that the benefits of the provision of renewable energy of this scale should be given significant weight in the balancing exercise.

Weighed against these major benefits of this renewable energy installation the weight to be attached to the modest harm to landscape character and visual amenity, the use of category 3b agricultural land ahead of brownfield land is not substantial. The scheme is considered to be in general conformity with the local plan and national guidance and any conflict with the plan is considered to be significantly outweighed by

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the benefits to be derived from the scheme such that the balance of consideration is in favour of granting planning permission.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions: -

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. Other than in respect of the temporary construction compound the permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid, this date to be notified in writing to the Local Planning Authority upon commissioning. By no later than the end of the 25 year period the solar panels shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for decommissioning of the solar panels a scheme for the restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall be implemented in accordance with the approved details.
3. Notwithstanding the submitted details, within 3 months of the commencement of development full details of the proposed location and colour treatment of any CCTV cameras on site shall be submitted to and approved in writing by the Local Planning Authority. The cameras shall then be installed in accordance with the approved details.
4. Other than the bulk head light to the DNO cabin, this permission does not convey any authorisation to erect any security or flood lighting. No such lighting shall be installed without the prior written approval of the Local Planning Authority.
5. No development shall take place within the area of the north-west of the site denoted in Figure 5 of the applicant's geophysical survey as Area 6, until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
6. Prior to the commencement of development a scheme of landscaping and subsequent management shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of: -
 - i. Trees to be retained and removed
 - ii. New trees to be planted

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- iii. New hedgerow planting, hedgerow relocation and future hedgerow maintenance
- iv. Planting of site under and around the panels and subsequent maintenance
- v. Details of security fencing around the site, including its exact location

The landscaping works shall be undertaken in accordance with an agreed timetable of works and maintained thereafter in accordance with the approved details.

7. The development hereby approved shall be carried out in accordance with the measures set out in the Ecology Report by Greenlight Environmental Consultancy to safeguard protected species and shall not be brought into use (unless otherwise agreed in writing by the Local Planning Authority) until the measures to enhance biodiversity have been fully implemented.
8. Before any other operations are commenced the sites existing vehicular access to Ladyhole Lane shall be modified in accordance with the submitted information.
9. Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reasons:

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.
2. As the solar panels have a limited working lifespan and in order to reverse the harm to the landscape in accordance with the aims of Policy CS5 of the Adopted Derbyshire Dales Local Plan (2005).
3. To ensure that the proposed cameras are sensitively sited so as to minimise their impact on the character and appearance of the landscape in accordance with the aims of Policies SF4 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
4. To minimise the impact of the solar farm on the character and appearance of the landscape in accordance with the aims of Policies SF4 and NBE8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
5. To ensure adequate recording of any below ground archaeology in accordance with guidance contained within the National Planning Policy Framework (2012).
6. To ensure a satisfactory scheme of landscaping to minimise the impact of the solar farm on the local landscape in accordance with the aims of Policies SF4, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
7. To safeguard protected species and ensure the creation of new habitat in the interests of enhancing biodiversity in accordance with the aims of Policy NBE5 of the

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Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

8. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
9. In the interests of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. NFA20 Conditions Precedent... Conditions 3, 5 and 6.
3. NFA21 Conditions Fee Discharge.
4. Before any operations are commenced the applicant shall liaise with Derbyshire County Council's Traffic and Safety team to ensure the construction phase is carried out in a safe and efficient manner. Advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.
5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
6. 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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. The application site is affected by and located close to a number of public Right of Way. The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-

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1. The granting of planning permission is not consent to divert or obstruct a public right of way.
2. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
3. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
4. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
5. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
8. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.
9. The proposed development includes a swale in the drainage design to accommodate for an increase in surface water with climate change, the maintenance of which is stated to be with the landowner. The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. The Drainage Authority recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width to safeguard access for maintenance and inspection.
10. This decision notice relates to the following documents:
 - 1:45000 Scale Site Location / Ordinance Survey Plan;
 - 1:1500 Scale Site Location / Block Plan numbered 00011-39-102;
 - 1:2750 Scale Site Location Plan / Aerial Photograph numbered 00011-39-101 A;
 - 1:50, 1:30 and 1:20 Scale Proposed DNO Cabin, Switchgear and Control Room Buildings, Switchgear and Transformer Cabin, Solar Panel Array, Perimeter Fencing and CCTV Elevations Plans and Cross Section through the Proposed Access Track Plan;
 - Construction Traffic Management Plan by tpa;
 - Ecology Report and Biodiversity Management Plan prepared by Greenlight Environmental Consultancy;
 - Statement of Consultation;

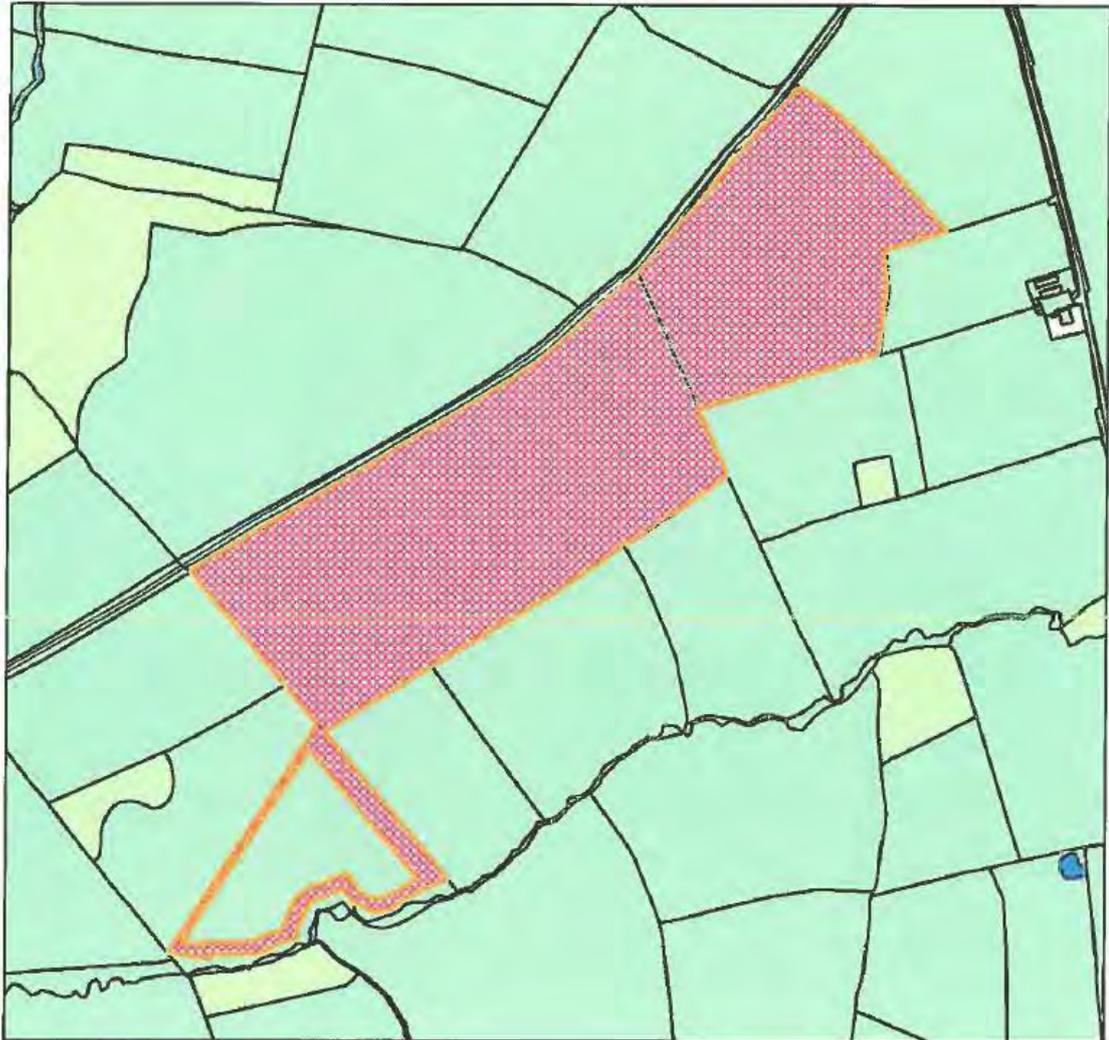
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Land Classification Survey prepared by Fisher German LLP;
Landscape and Visual Impact Assessment prepared by Greenlight Environmental Consultancy;
Flood Risk Assessment prepared by Waterco Consultants;
Desk Based Archaeological and Heritage Statements prepared by Wyvern Heritage and Landscape received by the District Council on the 22nd and 24th April 2015, and;
Amended Planning, Design and Access Statement received by the District Council on the 19th May 2015, and;
Great Crested Newt Survey Report prepared by Greenlight Environmental Consultancy received by the District Council on the 19th June 2015.

BACK TO AGENDA

15/00089/FUL

Land at Dayfields Farm, Atlow, Derbyshire



Derbyshire Dales DC

1:5,000

Date: 10/07/2015

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

15/00089/FUL CHANGE OF USE OF LAND TO SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE, LAND AT DAYFIELDS FARM, ATLOW FOR TGC RENEWABLES LIMITED

Parish Council: Atlow and Bradley
Application type: Full

Date of receipt: 16.02.2015
Case Officer: Mr. J. Bradbury

THE SITE AND SURROUNDINGS:

The application site comprises of 10.8 hectares of agricultural grazing land located between Ridge Lane and Dayfields Brook. The main component of the site is two fields which have a frontage to Ridge Lane. The fields are enclosed with hedgerows with individual hedgerow trees. The larger western rectangular field has a high point at its north-eastern corner and slopes down to both the west and south. The eastern field is irregular in shape and slopes down from north-west to south-east. The application site also includes narrow strips of land running in a south-westerly direction from the south-west tip of the site to provide for potential routes for underground cabling to connect to the electricity grid.

Ridge Lane is a claimed byway largely enclosed on both sides by mature vegetation. Immediately to the west of the site is a public footpath which runs north / south crossing Dayfields Brook before continuing south to meet the Ashbourne / Hulland Ward road. The line of Dayfields Brook is bounded by woodland and the wider locality has pockets of woodland.

THE APPLICATION:

Planning permission is sought for the change of use of the land to a solar farm with associated infrastructure. The solar farm is anticipated to be of the order of 5MW and has a standard format for ground mounted photovoltaics. The panels will be sited on south facing racks which are attached into the ground on poles. The racks are angled with the leading edge approximately 0.8m above the ground and the back of the rack a maximum of 3m off the ground. The scheme also includes the provision of inverter substation buildings (9.7m x 3.1m x 3.2m high) which are located along the western and northern boundary, a 33kv substation building (6m x 5.6m x 5.3m high), a switchgear building (2.6m x 4m x 3.1m high) and communications building (7.2m x 3m x 2.4m high) all located in the south-west corner of the site. An internal access road would run from an existing gate on Ridge Lane virtually the entire length of the northern boundary just inside the fields and turn down the western boundary before terminating where the service buildings are to be clustered.

The submitted details also include details of a 2.4m weld mesh fence to run along the inside of the hedgerows that bound the site. A 2.4m pair of weldmesh gates would be sited at the access. The application also includes details of a CCTV camera pole at 4m in height although no details of the siting of this equipment is provided.

The connection to the grid running from the south-west corner of the site is described as being all underground cabling.

During consideration of the application the application has been amended to mitigate its impact on the landscape with the proposed reintroduction of two hedgerows running north-west / south-east across the larger field. All external hedgerows are to be allowed to grow to 3m and managed at that height with any gaps infilled with native hedgerow species.

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The application is accompanied by the following detailed reports:-

Planning, Design and Access Statement
Land Classification Survey
Ecological Appraisal
Flood Risk Assessment
An Archaeological Desk Based Assessment
Landscape and Visual Impact Appraisal
Geophysical Survey
Traffic Management Plan

All of these reports are available on the public file and have been forwarded to the relevant consultees for assessment. They are discussed as appropriate in the “Issues” section of this report.

It is, however, worth briefly summarising the case made by the applicant in their Planning Statement as follows:-

1. The application site was considered appropriate to proceed with as:-
 - it has a southerly aspect and is relatively flat
 - the site is outside sensitive designations
 - there is an ability to provide comprehensive screening
 - the site is well away from residential properties, built up residential areas and protected buildings and landscapes
 - suitable site access is available from Ridge Lane
 - the site has good proximity to grid connection
 - the proposal will not adversely impact on residential amenity
 - the proposal can fit into the surrounding landscape
2. The development of agricultural land is necessary in the absence of brownfield opportunities. The site will, however, remain in agricultural use.
3. The site is not Best and Most Versatile land and significant biodiversity benefits can result.
4. The proposal is supported in principle by Local Plan policy and would help meet renewable energy targets.
5. Local employment would be generated during construction.
6. In landscape and visual terms the proposals are well contained and screened and as such comply with plan policy.
7. The proposals are not prone to nor will contribute to flood risk.
8. The proposals safeguard existing trees and hedgerows and will allow for additional planting to support biodiversity.
9. No archaeology would be adversely affected.

15/00089/FUL (Continued)

10. Any impacts on heritage assets are less than substantial.
11. Overall there is strong policy support for the scheme. The proposals would make a substantial contribution to meeting renewable energy targets and will deliver substantial community benefit and allow rural business diversification.

RELEVANT HISTORY:

None relevant.

CONSULTATIONS:

Bradley Parish Council:

No objections.

Local Highway Authority:

No objections. As access is via Ridge Lane, a claimed byway open to all traffic and footpaths will be affected the applicant should consult with the Traffic and Safety Team and Public Rights of Way team before works commence. Conditions are suggested covering the following:-

1. Traffic Management Plan for construction phase.
2. Wheel cleaning facilities provided during construction phase.

Natural England:

No detailed comments to make on particular characteristics of this scheme.

Derbyshire Wildlife Trust:

The hedgerows with mature trees that form the field boundaries provide the most ecologically valuable habitats on site. All should be retained and managed in an appropriate manner. Sufficient stand-off around the hedgerows should be retained to allow for effective management.

The landscape plan should be revised to show the retention of the central dividing hedgerow.

Advise that a scheme detailing how beneficial biodiversity benefits will be provided should be submitted for approval prior to the commencement of development.

Development Control Archaeologist:

Initially suggested that geophysical survey was required in order to satisfy the requirements of paragraph 128 of the National Planning Policy Framework.

On receipt of the geophysical survey confirm that no clear areas of archaeological significance have been revealed and, therefore, there is no need to define any no dig areas. Advise that the applicant provide details of the cable trenching to help decide if a watching brief is required over this element of the development.

Environment Agency:

No objections, subject to condition requiring surface water drainage scheme to be implemented prior to solar panel modules being installed.

15/00089/FUL (Continued)

County Council – Rights of Way:

Bradley Footpath 29 crosses the SW corner of the site and Atlow Footpath 16 abuts the NE corner. In addition an application has been received claiming Ridge Lane as a Byway Open to All Traffic. The applicants should be made aware of these routes.

Raise no objection but in relation to the two footpaths the applicant should be made aware that they should remain open, unobstructed and on their legal alignment at all times. Other footnotes relating to protection of footpath routes and process for closure or diversion are suggested.

Peak and Northern Footpaths Society:

Very concerned about the effects of this development on the public rights of way, including Ridge Lane, an unclassified road which is used as a PROW from which the site would be visible.

The effects on many PROW is described as “moderate or substantial adverse” and agree with this appraisal. The hedgerows will not fully mitigate 3m panels and 4m CCTV poles. Cannot see how Footpath 29 Bradley over which a cable route crosses cannot be at least temporarily closed. On this basis, if there are to be structures installed which would obstruct this path the enjoyment of its users would be severely reduced and wish to object.

The Ramblers:

Note that Bradley Footpath 29 passes through the proposed solar farm. Providing that the footpath is not closed or obstructed raise no objections.

REPRESENTATIONS:

Four representations received, three objecting and one supporting.

The letters of objection raise the following points:-

1. The installation is too big in this locality.
2. Better sites are available on factory roofs, industrial estates, at the side of major roads on council owned property and on brownfield sites.
3. Developing greenfield sites is cheaper for the developer and yields greater profit.
4. Existing solar panels on Bradley corner are ugly and out of place.
5. The approval of the scheme will set a precedent for others.
6. The scheme will deter tourism.
7. Good farming land should not be sacrificed for solar farms.
8. The proposal will generate far more energy than needed by the farm.
9. There will be disruption on the roads during construction.
10. The local lanes are not suitable for heavy lorries.
11. The proposal will harm the character and appearance of the landscape.

The letter of support is from the site owner who farms this land and land at Yeldersley. They claim that the income from the scheme will allow them to carry on farming into the next generation. The farm is both dairying and beef which will continue but sheep will be grazing around the panels. The proposal will increase biodiversity and will help to tackle climate change.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development In The Countryside
 - SF5: Design And Appearance of Development
 - SF6: Protection Of The Best Agricultural Land
 - NBE6: Trees And Woodlands
 - NBE7: Features Important In The Landscape
 - NBE8: Landscape Character
 - NBE16: Development Affecting A Listed Building
 - NBE21: Development Affecting A Conservation Area
 - NBE24: Archaeological Sites And Heritage Features
 - NBE27: Crime Prevention
 - TR1: Access Requirements And The impact Of New Development
 - CS5: Renewable Energy Installations

1. National Planning Policy Framework
Paragraphs 14, 17, 93, 94, 97, 98, 112, 128, 129, 131, 132, 134, Annex 2 Glossary

2. Planning Practice Guidance

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

ISSUES:

1. Introduction and Policy Context

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

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

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

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

15/00089/FUL (Continued)

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

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

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

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

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

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

15/00089/FUL (Continued)

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

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

In a ministerial written statement on 25th March 2015 the SOS for Communities and Local Government reiterated the government's approach to the protection of the best and most versatile agricultural land in stating 'we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course planning is a quasi-judicial process, and every application needs to be considered on, the individual merits, with due process, in light of the relevant material considerations.

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

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

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

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

Policy NBE16 of the Local Plan seeks to protect the setting of listed buildings and is relevant in relation to listed buildings in the locality and broadly accords with policies in the National Planning Policy Framework.

Policy NBE21 seeks to safeguard the character and appearance of Conservation Areas and their setting and has to be applied in relation to Hulland Conservation Area. It is broadly in line with the National Planning Policy Framework.

Policy NBE24 seeks to safeguard archaeological interests from adverse impacts in line with National Policy.

15/00089/FUL (Continued)

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

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

2. Compatibility of the scheme with the aims of National Policy in relation to locational choices

It is clear from the above analysis that whilst recognising the benefits of solar farms the Government is keen to promote these on brownfield sites or agricultural land of lower quality thereby safeguarding the better quality land for varied agricultural use.

Paragraph 112 of the National Planning Policy Framework advise local planning authorities to take account of the economic and other benefits of the best and most versatile agricultural land. This is defined in the annex to the National Planning Policy Framework as land in grades 1, 2 and 3a. The guidance continues that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of higher quality.

Policy SF6 of the Local Plan has a presumption against development on the best and most versatile agricultural land unless the development cannot be accommodated on previously developed land and lower grade agricultural land or there are overriding benefits resulting from the development that would outweigh the harm caused to the best and most versatile land.

In order to address this requirement the applicants submitted an independent report on land quality. This report identifies the land as being grade 4 on the Provisional Land Classification Map. This has then been followed up with site analysis. The land is assessed as permanent pasture which is suitable for grazing but has never been used for arable cropping. Analysis of the soil structure and texture against MAFF guidelines has led them to the conclusion that the land is grade 4. Whilst Government policy may express a preference for brownfield land to accommodate solar farms, utilising land of this categorisation is not in principle contrary to the National Planning Policy Framework, Adopted Local Plan or Ministerial Statement.

3. Impact on Heritage Assets

The Planning Design and Access Statement and Landscape and Visual Impact Appraisal contain analysis of the impact of the development on designated heritage assets. A total of 11 assets were analysed for impact on their setting. Two scheduled monuments and nine listed buildings are present within 1.5km of the site. All of the listed buildings and one of the scheduled monuments lie on land to the

north and north-west on lower ground around Atlow over the brow of the hill and as a consequence have no intervisibility. The other scheduled monument at Old Hall, Hulland lies some distance to the south-east with intervening topography preventing impact on setting. Hulland Conservation Area lies to the south-east but extensive screening and topography mitigate any direct intervisibility. Whilst it is clearly very important to have full regard to the impact of development on the setting of heritage assets in this instance distance, topography and screening mean that impacts are minimal and not a significant consideration in the assessment of the planning merits of the application.

4. Impact on Landscape Character and Appearance

The application is accompanied by a Landscape and Visual Impact Appraisal and supporting photomontages. This analysis concludes in relation to landscape effects that the impact on the landscape character of the site and immediate area is moderate-substantial adverse decreasing to moderate adverse during operation.

In terms of visual effects and receptors the residents of Dayfields Farm would experience substantial-severe adverse impacts but they are the applicants. Other residential receptors are analysed as experiencing nil-negligible to moderate adverse impacts but only a limited number of receptors are present in this sparsely populated locality. With planting the effects are reduced.

Public rights of way and their users in close proximity would experience substantial to severe adverse effects, however, impacts are reduced to nil-negligible to moderate-substantial adverse as distance from the site increases. Mitigation reduces impacts significantly but the users of Atlow Footpath 14 would experience moderate adverse impacts and impacts on the southern third of Bradley Footpath 29 would remain moderate-substantial adverse.

Moderate adverse impacts would result to users of Dayfield Lane but other roads would be no more than slight adverse.

Cumulative impacts with other consented schemes are not considered to be adverse on either landscape character or visual amenity.

Overall they conclude that the solar farm is acceptable in terms of its overall effect on landscape character and visual amenity. Impacts of significance are largely limited to within 700m and all impacts are contained within 2km (1km to east and south). Mitigation in the form of mature landscaping would take away impacts to the north and for receptors to the east and west would reduce the impacts.

Officers have carefully considered these findings and whilst solar farms on the right sites can have limited impacts on landscape character and visual amenity, Officers were concerned that to some degree landscape sensitivity was underestimated along with the extent of visibility.

Dayfields Valley reads as a distinct component of the landscape and simple analysis as part of larger landscape character areas does not do justice to its sensitivity. The valley is quite detached in terms of intervisibility and analysis should be more focused on the character of the valley itself. Such analysis highlights a greater degree of

15/00089/FUL (Continued)

sensitivity in terms of how the locality may absorb this scale of development and its incongruous nature and how receptors might relate to this.

On the basis of this assessment and a particular concern about how development close to the ridge would appear when viewed from the footpath to the south, Officers considered the level of impact to be underestimated. Whilst a greater degree of harm was felt to exist, in order to help quantify this and provide appropriate weighting in the planning balance, independent landscape consultants were engaged to appraise the scheme.

This independent assessment has concluded that the scheme as originally submitted could not be assimilated into the landscape without moderate to substantial harm to the local character of the upper reaches of Dayfield Brook Valley with corresponding harm likely to the visual amenity of users of public footpath Bradley 29. This was identified as predominantly resulting from the proposed scale and massing of the development. However, it was concluded that this could be reduced by the introduction of internal hedgerows and additional boundary tree planting.

The consultants carried out a review of historic mapping which revealed the loss of hedgerows from the western field which was once three fields. They summarised that if the field boundaries were to be reinstated with new hedgerows and scattered tree planting north to south thereby compartmentalising the panels into an arrangement of smaller fields, this would serve to better assimilate the development and to reference the site to the landscape.

They recognised that there is an opportunity to reintroduce the 'Settled Plateau Farmland' LCT field pattern and reduce impact on the Wooded Slopes and Valley LCT by increased screening.

The observations of the consultant were put to the applicants on the basis that incorporating these measures would substantially reduce the harm to landscape character and visual amenity. They have responded by proposing a reintroduction of field boundary hedgerows with additional tree planting. Subject to yet further introduction of trees sporadically in the newly created hedgerows, it is considered that the potential for landscape harm in the medium term has been substantially reduced through negotiation.

This reduced harm to the landscape character and visual amenity is discussed in the "planning balance" below.

5. Impact on Ecology

Derbyshire Wildlife Trust have assessed the submitted ecological report on the Council's behalf. As can be judged from their consultation response they have no objection in principle to the scheme and recognise the potential for the scheme to deliver biodiversity benefits. These comments preceded the submission of amended plans which include the provision of new hedgerows and other planting. With this reintroduction of native hedgerows and tree species it is considered that the proposal will deliver ecological benefits to be weighed in the planning balance.

15/00089/FUL (Continued)

6. Highway Safety / Public Rights of Way

Concerns have been expressed about the ability of the Local Highway network to accommodate heavy goods vehicles during construction. This concern is understandable given the narrow nature of roads and the need to utilise Ridge Lane for access. However, experience suggests that this construction process is a relatively short one and can be positively managed by imposition of a Travel Plan and appropriate signage. On this basis, the Local Highway Authority have not raised objection.

Provision of a cable connection to the grid will require the route to cross the line of Bradley Footpath 29. Whilst this may cause some temporary inconvenience, it should not lead to any long-term problems given that the cabling will be underground. Appropriate footnotes can be added to any decision to inform the applicants.

7. Crime Prevention

The application as submitted includes provision for a 2.4m colour coated weldmesh fence to enclose the site. This could initially look quite stark, but as the hedges grow up within a season it will be largely screened in the environment. The provision of 4m tall CCTV poles is suggested but not detailed on the layout. Whilst these could be intrusive if poorly sited they could be absorbed if sensitively located. Appropriate conditions can be imposed. Overall, whilst site security is somewhat alien in this context and in the case of fencing needs to build in measures to allow animals to cross the site, the provision of measures to deter crime is a necessary component of a largely unsupervised facility such as this and does not weigh heavily against the scheme in the planning balance.

8. The Planning Balance

The consideration of the overall planning balance on this application requires an assessment of its adverse impacts and conflict with the development plan and national guidance to be weighed against the benefits to be derived from this substantial renewable energy installation.

There are three elements that weigh against the development to some degree. The first of these is the greenfield nature of the site. Government guidance seeks to promote solar energy first to brownfield sites. However it has to be recognised that within a predominantly rural district it is unlikely that any substantial contribution to renewable energy can be achieved by limiting installations to scarce brownfield opportunities. In such a circumstance it is legitimate to look to greenfield sites and seek to avoid the use of the best and most versatile agricultural land. In this instance the land has been classified as Grade 4 which is outside the definition of 'best and most versatile'. The use of this land for a solar farm is not therefore in conflict with policy SF6 of the local plan and whilst it is recognised that the reuse of brownfield land might be more sustainable its limited availability within the district in locations with the necessary grid connections means that the use of this site in principle does not conflict to an unacceptable degree within guidance with paragraph 112 of the NPPF.

15/00089/FUL (Continued)

The second area of concern which needs to be assessed is the impact of the development on the character and appearance of the landscape. The initially submitted scheme raised concern in relation to the impact of the development by reason of its scale and positioning in what is a localised sensitive landscape area. The scheme without mitigation would be prominent and conspicuous in views from the south from Bradley Footpath 29. However, following negotiation with the applicants they have agreed an effective scheme of mitigation which involves reintroducing hedgerows to break up the apparent scale of the installation and introducing more boundary trees.

These measures go a significant way in mitigating the harm to landscape character and visual amenity but it is considered, notwithstanding the detail submitted, that hedgerow trees can be introduced into the newly proposed hedgerows and these hedges be allowed to grow to 3m to match the boundary hedges. Therefore, whilst there will be some significant harm to landscape character and appearance and conflict with Policy NBE8, the revised scheme has substantially reduced this.

The impacts on the highway network and heritage assets are not significant considerations in terms of this application.

It is apparent that with the introduction of native hedgerows and further planting that there will be a net benefit to biodiversity which will result from the implementation of this scheme.

Weighed against these environmental consequences of the scheme are the benefits to be derived from a renewable energy installation of this scale.

Paragraph 98 of the National Planning Policy Framework recognises that even small-scale projects can make a valuable contribution to cutting greenhouse gas emissions and it states a presumption in favour of approving applications if the impacts are (or can be made) acceptable. Having regard to this and that the core planning principles in paragraph 17 of the National Planning Policy Framework and Statement in paragraph 93 recognise the key role of the planning system in supporting the transition to a low carbon future by amongst other things encouraging the development of renewable energy, it is considered that the benefits of the provision of renewable energy of this scale should be given significant weight in the balancing exercise.

Weighed against these major benefits of this renewable energy installation the weight to be attached to the harm to landscape character and appearance the use of category 4 agricultural land ahead of brownfield land is not substantial. The scheme is considered to be in general conformity with the local plan and national guidance and any conflict with the plan is considered to be significantly outweighed by the benefits to be derived from the scheme such that the balance of consideration is in favour of granting planning permission.

OFFICER RECOMMENDATION:

Grant planning permission subject to conditions covering the following matters:-

1. Standard Time Limit for full planning permission to be implemented.
2. 25 year temporary permission.

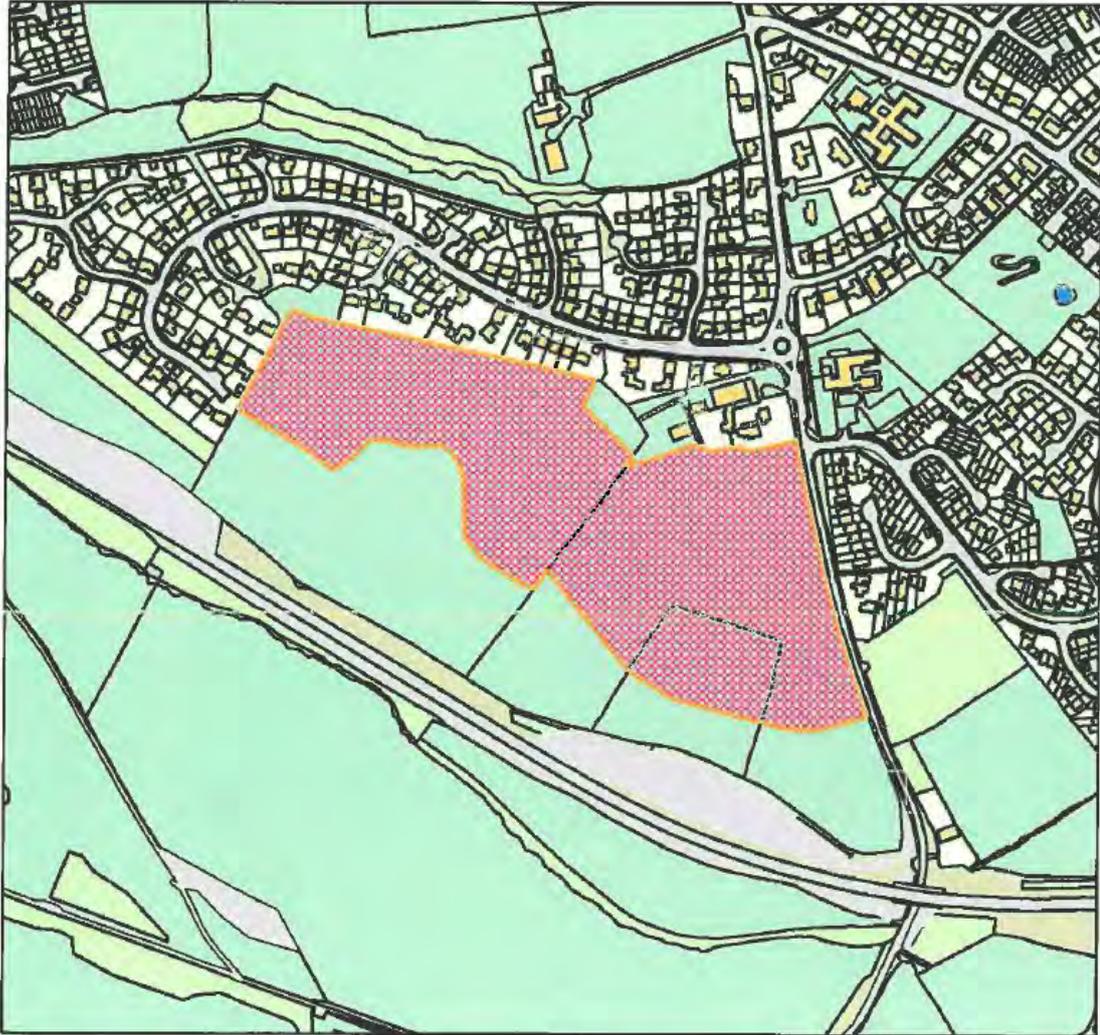
15/00089/FUL (Continued)

3. Full details of CCTV cameras to be agreed with the Local Planning Authority within 3 months of commencement.
4. Construction working hours
5. Surface water drainage to be implemented in accordance with the submitted details.
6. Construction phase to be managed in accordance with traffic management plan.
7. Wheel cleaning facilities to be provided and retained during construction.
8. Development to be carried out generally in accordance with the amended plans.
9. Notwithstanding the detail on the amended plans in relation to landscaping and future landscape management, prior to the commencement of development, a revised landscape plan incorporating hedgerow trees into the newly created hedgerows and providing for management of those hedgerows to 3m in height shall be submitted to and agreed in writing by the Local Planning Authority.
10. Full details of landscaping shall be agreed prior to the commencement of development and the approved planting shall be carried out in accordance with a programme of works to be agreed as part of this submission.
11. Prior to installation revised details of the boundary fence to incorporate measures to allow for the passage of animals freely across the site shall be submitted to and agreed in writing by the Local Planning Authority.
12. Prior to the commencement of development the precise route of the cable connection to the grid shall be agreed with the Local Planning Authority. The submission of details in relation to this shall include a methodology for safeguarding and recording any archaeological finds and shall also detail how the route of the Bradley Footpath 29 is to be safeguarded during the development process.
13. A scheme of biodiversity enhancements to be submitted, agreed and implemented prior to solar farm being brought into use.

BACK TO AGENDA

15/00319/OUT

Leys Farm, Wyaston Road, Ashbourne



Derbyshire Dales DC

1:5,000

Date: 10/07/2015

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website: www.derbyshiredales.gov.uk*

15/00319/OUT RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS WITH ASSOCIATED PUBLIC OPEN SPACE (OUTLINE) AT LEYS FARM, WYASTON ROAD, ASHBOURNE FOR RADLEIGH GROUP LIMITED

Town Council: Ashbourne
Application type: Outline

Date of receipt: 7/05/2015
Case Officer: J Bradbury

THE SITE AND SURROUNDINGS:

The application site comprises just over 7 hectares of pastoral fields adjoining the southern urban edge of Ashbourne. Irregular in shape, the site is bordered by Wyaston Road to the east, housing to the north and west along Premier Avenue and several small cul-de-sacs, and open land to the south which drops down to the A52 Ashbourne by-pass.

Leys Farm buildings border the north-east corner of the site adjacent to Wyaston Road and two groups of trees (Ash and Oak) that are subject to Tree Preservation Order protection are located along the site boundary with Premier Avenue, Netherfield Close and Northwood Rise properties. The site is open fields for the most part, but has sporadic trees and a hedgerow boundary with occasional trees along its Wyaston Road frontage, which extends to some 170m. On the opposite side of Wyaston Road are well established houses at Oak Crescent off Willow Meadow Road, with a new housing estate now largely completed at Saxon Fields. Ashbourne Hilltop Infant and Nursery School is close by across Wyaston Road.

The site lies outside the current Local Plan Settlement Framework Boundary for Ashbourne but adjoins this boundary to the north and west.

THE APPLICATION:

Outline planning permission is sought with all matters reserved for subsequent approval for the residential development of up to 115 dwellings with associated public open space. The application is accompanied by the following supporting documents:-

- Planning Statement
- Design and Access Statement
- Site Plan and Illustrative Masterplan
- Transport Assessment
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Noise Assessment
- 1 Ecological Appraisal
- Arboricultural Survey
- Desk-Based Archaeological Assessment
- Residential Travel Plan
- Geophysical Survey Report
- Minerals Resource Assessment

These documents have been available for public inspection on the case file and Councils website and circulated to the relevant consultees for their consideration. The one exception to this is the ecological appraisal which contains information on the location of a protected species and therefore has not been posted on the council's website. The detailed contents of the supporting information is not reproduced in full in this report,

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except where relevant to the consideration of the development in the 'Issues' section of this report.

The applicant's case is summarised in their submitted planning statement and asserts that the development is appropriate for the following reasons: -

1. There should be no weight attached to the out of date policies of the Derbyshire Dales Local Plan.
2. The emerging Derbyshire Dales Plan can be afforded no weight.
3. The Council should adopt a minimum of 6,500 houses target over the Plan period as advised by Inspector Holland.
4. The Council does not have a five year supply of deliverable housing sites when assessed against the full, objectively assessed housing need and paragraph 14 of the NPPF is therefore engaged.
5. The Development Plan is absent in terms of making provision for new housing to meet need.
6. There is a need for market and affordable housing in the district.
7. Ashbourne is a sustainable settlement where growth is anticipated.
8. Leys Farm lies immediately adjacent to the settlement edge.
9. The development will deliver significant benefits which accord with the three dimensions as set out in paragraph 78 of the NPPF.
10. There are no significant and demonstrable adverse impacts arising from the development.
11. Any issues can be resolved by way of the imposition of planning conditions or through the completion of a Section 106 Agreement.

RELEVANT HISTORY:

- 14/00183/OUT Residential development of up to 145 dwellings with associated public open space (outline) – Withdrawn
- 14/00354/OUT Residential development of up to 145 dwellings with associated public open space (outline) – Refused contrary to officer recommendation for the following reasons: -

'The site comprises of green fields outside the existing built framework of Ashbourne. The proposed development of the site with up to 145 dwellings is considered to constitute an unsustainable form of development as it will individually and cumulatively with other planned residential development around the town be likely to lead to a significant increase in traffic congestion. In addition the site is considered to be relatively remote from existing community infrastructure and services and does not incorporate the provision of additional facilities such that future residents will be further reliant on

15/00319/OUT (Continued)

the private car to access facilities in leading their daily lives thereby exacerbating its impact on the local road network. As such the adverse impacts of the proposed residential development are considered to significantly and demonstrably outweigh its benefits when assessed against the policies of the NPPF taken as a whole.'

This refusal of planning permission is currently the subject of an appeal which will be heard at a public inquiry. The date of the inquiry has not yet been finalised.

CONSULTATIONS:

Ashbourne Town Council

Objection – members asked that their original comments be re-iterated. They raised concern on the negative visual impact on the landscape from the by-pass, the increase in the volume of traffic and the effect on the junction at Derby Road and Old Derby Road, development of greenfield site, the proximity of the site to the town and its infrastructure and the lack of information on the house sizes.

Local Highway Authority

Transport Assessment

Have reviewed the newly submitted Transport Assessment and consider it forms a sound basis for assessing the application.

The main issue with any development now coming forward within the Ashbourne area continues to be the potential impact upon the signalised junction of Derby Road with Sturston Road/Park Road, together with potential cumulative impact from what are now 'consented' sites. This latest Transportation Assessment notes that there is scope to widen the Sturston Road approach to the junction over a length of approximately 50 metres and would allow the existing short left turn lane to be extended. This would though require acquisition of land to outside of the adopted highway limits. The Transportation Assessment adds that a scheme to improve the junction could be implemented by the County Council with contributions made from both the Ashbourne Airfield and Leys Farm sites, however, it does not appear as though a level of contribution has been suggested by the developer. In line with my previous consultation response it was suggested a figure of £120,000 be secured, based on a possible development scenario of up to 145 dwellings – therefore, based on a pro-rata adjustment for the current reduced scale of development this would be circa £95,000.

Travel Plan

The travel plan document has been updated to reflect the development now proposed and it would also appear to incorporate the comments raised in my previous consultation response. The travel plan document can therefore be considered acceptable in principle from a highways perspective.

However, the Travel Plan is a working document and should not be considered exhaustive. It is subject to change in the light of the proposed development, actions and initiatives undertaken, and pending results of residential travel surveys. The document evolves with the site and will require continual monitoring, especially through the early years of the development. The Highway Authority would wish to be involved in this process to ensure the aspirations of the travel plan and development as a whole accords with the assumptions made at this stage within the transport modelling. The developer shall therefore pay a contribution, not exceeding £5000, towards the future

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review / monitoring processes associated with the Travel Plan in association with Derbyshire County Council and Derbyshire Dales District Council. Responsibility for the monitoring of the Travel Plan ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits and attending meetings as appropriate, to ensure the Travel Plan meets its agreed targets.

General

The application is in outline form with all matters reserved. Master-plan drawings have been submitted indicating what the access and development may look like, however, in the absence of these elements being determined at this stage little weight has been given to the details submitted and the master plan is treated as being indicative only. A more detailed assessment / comment on access and internal layout will be dealt with at a future reserved matters stage and appropriate conditions can be formulated on this basis. The Developer should however be encouraged to view the County Council's current 6C's design guide and enter into pre-application discussions if they are intending to pursue potential adoption of the proposed estate streets at a future date.

It is still proposed to widen Wyaston Road slightly, to a regular width of 5.5m (minimum) and provide linking pedestrian footways, where appropriate, across the controlled site frontage. This continues to be acceptable from a highways perspective and conditions could be applied to secure further design details.

The submitted information suggests the applicant would be amenable to providing a reasonable financial contribution towards off site highway improvements, recognising the development will contribute to highway impact issues at off-site junctions. The Transport Assessment includes some suggested improvement schemes that could be undertaken, however, no costing exercises have been done by the applicant. As highlighted in previous consultation responses it is likely any works to improve transport capacity through Ashbourne will be difficult and expensive to provide and will require combined developer and County Council funding to achieve.

The Highway Authority suggests any expenditure of such highway improvement funds be 'fluid' at this stage, given a definitive solution has not yet been determined and may ultimately require additional / supporting interventions in and around the town centre. This should also include, but not be limited to, further transport studies, traffic monitoring and designing and implementing targeted highway improvement schemes within a local area – a plan was produced in connection with the previous application of primary streets which could be considered for the funding to apply (this may however need to include adjoining or surrounding streets as associated works may need to be undertaken in these areas to support the main works) and this would still be applicable to the current application.

It is suggested that a timeframe be attached to the funding stream, given it will be some years before the full effects of the development are realised – this could be 5 year period post substantial completion of the site (say 90% completion) approved under this application (which would tie-in with travel plan monitoring and allow an additional period of time to facilitate any further improvement works if necessary).

On the basis your Authority is seeking to determine the application and the applicant is willing to provide a financial contribution to off-site highway improvements, in lieu of a

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formally presented / designed scheme to fully offset the impact of their development suggest the following Section 106 content, and conditions covering the points below:

Section 106 content

- a). A financial contribution not exceeding £5000 towards meeting the County Councils costs incurred in assessing future review/ monitoring processes associated with the Travel Plan in association with the County Council.
- b). A financial contribution, not exceeding £95,000 towards highway network improvements within an identified area, to offset any detrimental highway impact arising as a result of the proposed development. The contribution may be applied to, but not be limited to: -
 - i. Installation of permanent traffic monitoring station at agreed locations within Ashbourne to aid data collection.
 - ii. Further transport studies in the Ashbourne Area
 - iii. Identifying, designing and implementing targeted highway and pedestrian safety or capacity improvements, within the identified area.
 - iv. Improving public transport infrastructure and walking / cycling routes between the site and the town centre.

All as may be agreed in writing by the Local Planning Authority. The funding shall be available for 5 years post substantial completion (90% of development) with any unused monies returned within 3 months of 5 year expiry.

Conditions

Conditions are requested in relation to: -

- i. Construction management plan
- ii. No other works to commence until temporary access for construction purposes has been provided to Wyaston Road
- iii. Reserved matters submission shall include detailed design of permanent estate street junction to Wyaston Road with 5.5m width with 2m footways and 2.4m x 65m visibility splays.
- iv. The reserved matters submission shall incorporate widening of Wyaston Road to achieve 5.5m carriageway width between junction of Willow Meadow Road and new estate street junction and 2m footway along this section.
- v. The reserved matters submission shall include road designs to accord with 'Manual for Streets' and in accordance with the '6C's Design Guide'.
- vi. Prior to occupation of any dwelling highway and footway serving that dwelling to be constructed to binder course level.
- vii. No dwelling occupied until its parking and manoeuvring space provided.
- viii. Within 28 days of permanent access to Wyaston Road being formed all other means of access shall be closed.
- ix. Work shall not commence until scheme for disposal of highway surface water has been agreed. The scheme shall then be implemented prior to occupation of dwellings.
- x. The approved Travel Plan shall be implemented.

Derbyshire County Council (Planning Policy)

Education

The development falls within and directly relates to the normal areas of Hilltop Infant School; Parkside Community Junior School and Queen Elizabeth Grammar School. The proposed development of 115 dwellings would generate a demand for an additional 23 primary, 17 secondary and 7 post-16 pupil places.

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Hilltop Infant School has a net capacity of 120 and currently has 122 pupils on roll. The number of pupils on roll is expected to fall to 116 in 5 years. Parkside Community Junior School has a net capacity of 296 and currently has 270 pupils on roll. Projections indicate the number of pupils will rise to 300 in the next 5 years. Queen Elizabeth Grammar School has a net capacity of 1384 and currently has 1301 pupils on roll. Projections indicate that the number of pupils on roll will fall to 1197 in 5 years.

The above indicates that normal area primary schools do not have the capacity to accommodate the development and therefore based on standard cost multipliers £216,581 should be sought as part of a legal agreement to fund provision of 19 primary school places. The secondary school will have sufficient capacity and therefore contributions are not sought for secondary or post 16 education.

Development Control Archaeologist

The applicants have carried out both desk based assessment and a geophysical survey which satisfy the requirements of para 128 of the NPPF. Although the geophysical survey shows some features on site which will require further assessment during development this can be adequately addressed by a planning condition requiring a written scheme of investigation of works during development. Subject to such a conclusion no objection is raised.

Crime Prevention Design Adviser

No detailed comments at this stage but will wish to comment on detailed layout in due course.

Environment Agency

Development falls outside the scope of applications on which they now wish to comment

NHS England

A development of this nature would result in increased service demand which would not be easily accommodated within the existing primary care resources. Request a sum of £551 per dwelling based on 2.3 person occupancy. The funding would be likely to be invested in increasing the capacity of existing practices. The local practices are in the process of assessing the options open to them to respond to the significant amount of new houses being built. Until the options have been fully explored they are unable to give a definitive answer on where funding might be spent.

Derbyshire Fire and Rescue Service

Strongly recommend the installation of a Domestic Sprinkler System. However should this not be achieved recommend provision of a minimum 32mm water supply pipe capable of delivering necessary supply to support future provision.

Head of Housing

Commented on previous application. Those comments sought 45% provision overall but accepted that a split of 25% provision on site and 20% off site may be the best way forward.

It was requested that the provision be spread through the phases of the development.

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60% of the on-site provision should be targeted at the elderly and people with disabilities and be in the form of bungalows built to life time homes standard 20% of on-site provision should be bungalows built to a wheelchair design standard.

The final 20% of on-site provision shall be split between 2 and 3 bedroom houses.

The homes should be secure by design and achieve code level 3 for sustainable homes.

The tenure split should comprise 30% shared ownership, 70% affordable rent.

Derbyshire Wildlife Trust

Previously commented on an application on this site in October 2014 and provided recommendations for general conditions relating to mitigation, landscaping and management. The current proposal is broadly similar and the ecological issues are very similar. Recommend conditions in relation to the following: -

- i. Badger mitigation and habitat enhancement strategy to be submitted and agreed prior to the commencement of development. The strategy should include measures to avoid disturbance/and/ or injury/ harm to badgers and measures to enhance the foraging opportunities for badgers. The measures identified under paragraphs 4.15 to 4.21 of the ecology report should be fully implemented.
- ii. An ecological design strategy shall be submitted to and agreed in writing which addresses protection, compensation and enhancement measures for grassland, wetland and hedgerow habitat, badger, bats and amphibians.
- iii. A landscape and ecological management plan shall be submitted agreed and implemented.

Derbyshire County Council - Minerals Planning

In relation to the previous application commented as follows: -

The site lies within an identified sand and gravel resource consultation area. A minerals consultation area as defined in the Derby and Derbyshire Minerals Local Plan. The consultation aims to ensure that a mineral reserve is taken into account when surface development proposals are being considered, to avoid needless sterilisation, if it was found to be economically important. This is endorsed in the NPPF at paragraph 144. Policy MP17 of the adopted minerals Local Plan states that the mineral planning authority will resist proposals for development which would sterilise economically workable mineral deposits, except where that the is considered to be an overriding need for the development and it is shown that prior excavation of the mineral cannot reasonably be undertaken, or is unlikely to be practicable or environmentally acceptable.

Hence, at this stage the applicant should provide information to clarify whether the extraction of the mineral prior to the proposed development is both viable and practicable.

REPRESENTATIONS:

A petition signed by 26 Queen Elizabeth Grammar School pupils received opposed to the development but not detailing reasons for objecting.

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Campaign for the Protection of Rural England

The scheme should be refused for the reasons outlined below: -

1. Application 14/00354/OUT was refused and this scheme is not substantially different. The number of houses has only been revised by a small amount and the traffic options will not address congestion. Even though numbers may reduce the landscape impact will remain.
2. Since 14/00354/OUT was rejected a scheme of up to 200 houses at Old Derby Road has been granted. There is also a firm intention to approve 367 dwellings at the airfield. These are conclusive evidence against the need to develop this site to meet a 5 year supply, and emphasise the cumulative congestion that will result.
3. The development conflicts with the NPPF as it will not improve the conditions in which people live, work, travel and take leisure (paragraphs 8 and 9).
4. The Transport Assessment concludes that the development in conjunction with others will lead to more congestion and queuing at the bottom of Derby Hill.

However, it raises the conclusion that this will not give rise to significant adverse traffic impacts on the network subject to the provision of an appropriate financial contribution toward improving the junction.

However, improving this junction requires demolition of three buildings to occur all of which are currently occupied.

The development would not help deal with traffic in the direction of the town centre.

Details of infrastructure proposals to meet the needs of the development are limited to a brief narrative description and lack technical analysis.

5. The Design and Access Statement emphasises the 'panoramic' views as an advantage. This prominent siting is a disadvantage in landscape terms. The landscape appraisal suggests that tree planting will lessen the impact in the long term. The long term is related to broad leaf tree growth of many years and even then the landscape will be lost. Granting permission would conflict with paragraph 109 of the NPPF as it will not enhance the natural and local environment by protecting and enhancing valued landscapes.
6. Government guidance emphasises that Neighbourhood Plans should carry weight. Ashbourne Neighbourhood Plan is at consultation stage and it is considered that its policies should attract weight.

Policy NP12 in the draft plan states

"Planning permission will be refused for any development that imposes further movement through the critical junctions unless and until remediation is taken to improve these junctions".

We agreed with this policy and to grant permission would conflict with it.

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A total of 60 individual representations received objecting to the scheme for the reasons summarised below: -

1. Additional development will add further traffic to the locality exacerbating noise and pollution problems.
2. Ashbourne will be turned into a congested overcrowded town.
3. The development will exacerbate congestion around Hill Top school which is already badly congested around school pick up time with vehicles parked on Willow Meadow Road jeopardising highway safety and Wyaston Road is also heavily parked.
4. Additional air pollution will lead to more respiratory problems.
5. The development will add to wildlife disruption already being caused by the development of Saxon Fields.
6. The disruption to drainage is causing problems with rats and pests.
7. The lovely countryside around Ashbourne is being eroded harming its character and appearance
8. The town's roads already suffer gridlock at weekends.
9. Nurseries, schools, doctors and other services are under severe pressure and they will not cope with the expansion.
10. A bypass to the north of the town is needed as an absolute minimum.
11. There is no justification for the development of these greenfields when the residents of Ashbourne have clearly stated a preference for development on the brownfield land at Ashbourne Airfield.
12. The previous scheme for 145 dwellings was rejected and so should this scheme be.
13. Loss of view over greenfields
14. Overlooking of dwelling and garden by proposed dwellings to detriment of residential amenity.
15. The potential footpath link into the Shires Estate is on an elevated bank and its use would lead to overlooking into bedroom windows.
16. The route through was designed to accommodate badgers not as a public route.
17. The fields contain three badger setts and the development would result in the death of badgers.
18. Bats utilise the site and would be adversely affected.
19. The historic character of Ashbourne would be adversely affected.
20. Ashbourne is simply becoming a suburb of Derby.
21. Existing traffic congestion around Hilltop School makes exit from surrounding cul-de-sacs dangerous and this problem will be exacerbated.
22. There is insufficient infrastructure in the locality with only two small local shops and nothing else.
23. Schools will either have to turn children away or be overcrowded.
24. Tourism in the town will suffer from the change in character.
25. Planners have not been able to demonstrate that the infrastructure can cope.
26. Local councillors should represent local people.
27. Saxon Fields have already significantly increased traffic in the locality.
28. Residents of existing dwellings will lose their views over open countryside.
29. Existing trees were cut down prior to the application being submitted.
30. Building on Ashbourne Airfield would negate the need to build here.
31. The views from the bypass will be unsightly.
32. Junctions at the top of Derby Road will be overloaded and dangerous, whilst the junction at the bottom is massively over capacity.
33. The site is a 30 minute walk from town and residents will be reliant on the private car.
34. The fields are used by buzzards for hunting.

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35. The view from Wyaston Road/ Tutbury Hollow will reveal an obtrusive scale of development.
36. Sick of living next to building sites.
37. Need to concentrate on making the existing town function well rather than expanding it.
38. Children would be put at additional risk by the increase in traffic.
39. Kestrels nest in the tree in the centre of the field.
40. The development would represent further urban creep bringing Ashbourne closer to Clifton, Osmaston and Mayfield.
41. Class sizes at QUEGS are above the accepted maximum and will be stretched further.
42. Town centre car parks are already overcrowded.
43. The nature of Wyaston Road will change making it unsuitable for cyclists.
44. Congestion around Hilltop School is worse in winter when residents of The Shires park their cars there in icy conditions.
45. The sewage system in the locality will not be able to cope.
46. Congestion at the junction of Old Derby Road/ Derby Road encourages motorists to take risks.
47. The reduction in numbers since the previous application was refused does not materially change the reason why it was rejected as it will still be unsustainable.
48. The current draft neighbourhood plan reflects the communities wishes, affordable homes for young people and not 4/5 bedroom houses.
49. Pollution from the bypass will adversely affect those using residential land.
50. A second vehicle exit onto the bypass should be considered off Wyaston Road to ease congestion.
51. A further pedestrian/ cycle route to Waterside should be provided to deter car usage.
52. Since the last scheme was rejected up to 200 dwellings were approved on appeal. The situation has therefore got worse by 170 dwellings net, making the development even less sustainable.
53. The transport assessment does not factor in the impacts of Hillside Farm, Willow Meadow Farm or Old Derby Road site and the data is therefore understated.
54. The proposed solution to congestion at the bottom of Derby Road includes only improvement to one arm of the junction and there is minimal assessment of the improvement that would result.
55. The highway solution appears to rely on the demolition of a large building which has just received consent for residential conversion.
56. The previous application was refused because of its physical impact on landscape, impact on transport and impact on economy. This application has done nothing to address those concerns. The reduction in units does not alter the fundamental unsustainability.
57. The development will be a visual scar from as far afield as the A52 on Swinscoe Hill.
58. The expansion of Ashbourne on the opposite side of town to the main school exacerbates congestion.
59. The neighbourhood plan will only come to pass after developments have planning permission.
60. The birds using the site include woodpeckers, jays, ravens, magpies, owls and various birds of prey, these are likely to disappear.
61. Ashbourne has already met its housing targets for 15 years so does not need additional housing.
62. There is an increased risk of flooding from surface water run-off.
63. The assessment of sustainability has little regard for the gradients involved for walkers contrary to the spirit of guidance in 'manual for streets' which will deter access to the centre on foot.

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64. Assessment of the distance from main amenities shows that the site is 1200m from Sainsbury's, 1500m from the market place and 2km from QUEGS, 'manual for streets' suggests that these journeys whilst not unacceptable are less than ideal on foot.
65. It is not practical for someone to walk with their shopping to the site via either Old Derby Hill or up Derby Road and round the long way.
66. The gradients from the town centre as Old Derby Road is 1 in 5 are very challenging for cyclists deterring this alternative.
67. The transport assessment includes inaccurate data and therefore its results are inaccurate.
68. The transport assessment does not include Springfield Road junction which is a major bi-directional route to the north.
69. The claims of an easy link with Derby railway station are misleading.
70. Fields penetrating into the town are part of its character which will be lost.
71. The impact of existing approved developments should be monitored before any more development is contemplated.
72. The limited consultation process failed to notify immediate neighbours.
73. The ecological survey is not accurate and the development will severely hamper foraging available to birds and bats.
74. Housing should be directed to the villages where there is a shortage of affordable supply.
75. Ashbourne has accepted more than its fair share of housing and further provision should be directed elsewhere.
76. The persistent submission of applications should not weaken members resolve to reject this scheme.
77. The houses won't sell.
78. Other tourism centres around the country have their setting and character protected.
79. The community are not sufficiently aware of the development to provide comment.
80. Building firms are cynically choosing greenfield sites instead of available brownfield as this increase their profits.
81. Congestion at school start time will be mayhem with additional traffic.
82. The development is contrary to paragraphs 64 and 54 of the NPPF.
83. The fire and police services are not geared up to the additional population demands.
84. The proposal conflicts with the adopted development plan.
85. The housing mix does not meet the town's needs.
86. The appeal inspector for Old Derby Road appeal considered that the proposed junction improvement was only an interim solution and would only cater for the additional traffic associated with that development.
87. The Highway Authority have not yet identified how congestion will be tackled.
88. The application has no regard to the published Draft Neighbourhood Plan. This dictates that no further greenfield land should be developed.
89. The quality of Wyaston Road will be further damaged by construction vehicles.
90. House prices in the locality will fall.
91. Willow Meadow Road as a main through route is already heavily parked. The proposal will increase conflict between parked vehicles and through traffic.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development in the Countryside
 - SF5: Design and Appearance of Development
 - SF7: Waste Management and Recycling
 - H4: Housing Development Outside Settlement Framework Boundaries
 - H9: Design And Appearance Of new Housing

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H13:	Affordable Housing Exceptional Sites in Rural Areas
NBE4:	Protecting Features Or Areas Of Importance to Wild Flora and Fauna
NBE5:	Development Affecting Species Protected by Law or are Nationally Rare
NBE6:	Trees and Woodlands
NBE7:	Features Important in the Landscape
NBE8:	Landscape Character
NBE12:	Foul Sewage
NBE24:	Archaeological Sites and Heritage Features
NBE26:	Landscape Design in Association With New Development
NBE27:	Crime Prevention
TR1:	Access Requirements and the Impact of New Development
TR2:	Travel Plans
TR3:	Provision for Public Transport
TR8:	Parking Requirements For New Development
CS8:	Provision of Community Infrastructure
L6:	Outdoor Playing and Play Space in New Housing Developments

2. National Planning Policy Framework (2012)
Paragraphs 14, 17, 47, 49, 50, 56, 57, 58, 60, 61, 64, 65, 69, 72, 73, 93, 94, 95, 96, 99, 103, 109, 112, 119, 125, 186, 187, 188, 189, 190, 191, 185, 196, 197, 203, 204, 205 and 206.
Annex 1 Implementation paragraphs, 210, 211, 212, 213, 215 and 216.
3. National Planning Policy Guidance (2014)
4. Landscape Character and Design Supplementary Planning Document (July 2007)

ISSUES:

1. Introduction

As can be seen from the 'relevant history' section of this report planning committee rejected an outline application for 145 dwellings on this site in November 2014 contrary to officer recommendation. That application is currently the subject of an appeal which will be heard by public inquiry. No firm date has been agreed for the inquiry but a draft appeal timetable has been circulated by the Inspectorate.

Notwithstanding this parallel process relating to a similar application on the same site, planning committee need to determine the current application on its own merits having full regard to the development plans where policies remain relevant, the contents of government guidance and other material considerations, including those which have emerged or changed since the last application was determined. Setting aside the other planning consideration which need to be weighed in the balance there are it is considered two important matters which have developed since the last decision was made. Firstly, the amount of development has been reduced which has the potential to influence the balance of consideration on landscape and highway matters. Secondly, the Council are in receipt of appeal decisions in the interim whereby Planning Inspectors have provided independent appraisal of the relevance of local plan policies, assessed the housing land supply situation and done their assessment of the planning balance under paragraph 14 of the NPPF. Whilst no two applications are alike the Council cannot ignore the findings of the Inspectorate where there are clear and direct parallels with a current application. It is pertinent initially to provide an analysis of the planning policy context before going on to

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assess the different elements of the environmental impacts and concluding with a balancing exercise as advised by the NPPF on the merits of the current scheme.

2. Planning Policy Context

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

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

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

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

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

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

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

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The Adopted Local Plan

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

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were well short of being able to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded that having regard to paragraph 49 of the NPPF in the absence of a 5 year supply both policies H4 and SF4 had to be viewed as out of date and should be disregarded in the planning balance which instead should focus on the wording of paragraph 14.

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

The National Planning Policy Framework and Paragraph 14

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

It states: -

For decision taking this means:

- Approving development proposals that accord with the development plan without delay and
- Where the development plan is absent, silent or relevant policies are out-of-date granting permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - Specific policies of the Framework indicate that the development should be restricted.

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

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

3. 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 topic areas as follows: -

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

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- (viii) Open Space
- (ix) Impact on flora and fauna
- (x) Drainage
- (xi) Minerals

(i) The Sustainability of Housing in the Locality

The development of greenfields outside the Settlement Boundary is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the town. Even if all brownfield sites came forward, there would still be a requirement for greenfield sites to meet the indicative requirement of 6,500 plus dwellinghouses across the district, set by Inspector Holland when he assessed the likely soundness of the emerging local plan.

The site is situated on the periphery of Ashbourne, which is one of three market towns across the local planning authority area. As such Ashbourne is considered to be a sustainable location for new development, because it provides the opportunity for residents to access a full range of services and facilities without having to be overly reliant upon the use of a private car.

Whilst the public comments on sustainability are noted these could logically be applied to most sites considered for the expansion of a settlement. It is the case that the site is adjacent to existing housing estates in terms of its proximity to the towns facilities and services.

Although it is acknowledged that walking and cycling to the town centre may not be an attractive proposition for many, this same argument can be applied to some degree to the other greenfield housing sites that have secured permissions.

The Inspector who considered the Asker Lane appeal (a greenfield on the fringe of Matlock) gave only limited weight to challenging access on foot or by cycling in considering the site to be generally sustainable with access to the range of town centre facilities.

Another consideration of sustainable development is whether the best use of land is being made. The description indicates up to 110 dwellings for which permission is in principle is being sought. Greater density has the potential to lessen the land take and promote public transport and infrastructure. However, this has to be weighed in the balance with the impact on the character and appearance of the area, which is considered next.

(ii) The impact of development on the character and appearance of the area

The submitted proposals indicate an Illustrative Masterplan with a relatively low housing density. The site incorporates abundant formal and informal open space with 'green corridors' weaving through the site. In comparison with its immediate surroundings at Premier Avenue, Saxon Fields and Willow Meadow Road the housing is low density. The site, as noted in public comment, is on the brow of a hill and open to view from the south. Significant landscape impact cannot be avoided if the site is developed for housing. Having regard to this significant landscape impact, the Council, in assessing the previous application sought an appraisal from an independent landscape consultant (LDA Design). This report is recent and remains relevant to the consideration of the current application.

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The main aim of the appraisal was to inform the Council whether the potential harm of developing this site is great enough to outweigh the benefits, in the absence of a five-year housing supply. Having considered the supporting information, the Consultants on the previous scheme as follows:-

- a. It is concluded that adverse effects on local landscape character and land-use and on visual receptors close to the site boundary would be 'significant' in the short and long term. However in the absence of a five year housing supply, this on its own, in our opinion would not amount to a strong case at appeal.
- b. The extent of development proposed, excluding the balancing pond, would form an appropriate permanent delineation of the urban / rural edge of this part of Ashbourne. Further encroachment onto the steeper slopes should be avoided, and options for this should be explored.
- c. The steeper slopes would form the immediate setting of Ashbourne. The character and appearance of the land and the urban / rural interface needs further consideration and detail to ensure that it retains a rural character and appropriate setting.
- d. Parts of the southern edge of the housing development, presented in the submitted Design and Access Statement (DAS), would be exposed and create a hard and abrupt urban edge to Ashbourne. The southern edge should have substantial areas of planting (currently not illustrated) to screen and soften proposed housing development, providing a less abrupt interface between the town and its setting.
- e. The proposed balancing pond is likely to appear artificial due to its location partway down a slope, the extensive earthworks that would be necessary and its prominent location. An alternative location towards the bottom of the slope, adjacent to the A52 should be explored. However, if retained in its illustrated location further design and illustrative material should be provided to "secure sensitive profiling in conjunction with new tree and hedgerow planting measures to limit any likely adverse landscape and visual effects". (Extract from paragraph 6.3 of the LVA)
- f. The applicant should confirm whether the existing trees that lie within the hedgerow along Wyaston Road, which is to be transplanted are to be retained or removed. Further illustration should be provided to show the effect on the character and appearance of this edge of development on this approach into Ashbourne.

The current application, to some degree, responds to the criticisms in this appraisal. The lower number of dwellings and a change to the drainage arrangement helps lessen the impact. Dwellings have been pulled back up the hill slightly in the centre of the site and a more substantial belt of planting is shown along the southern edge of the scheme. The drainage arrangements rather than relying on one large drainage pond cut into sloping ground have a network of three drainage ponds of lesser scale and incongruous landscape impact. These are significant improvements which need to feed into the planning balance but it

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remains the case that the development of this site will have a significant impact on landscape character and visual amenity.

(iii) Impact on Amenity of Local Residents

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

(iv) Provision of Affordable Housing

The Councils Head of Housing set out in their consultation response on the former application the nature of provision sought. The applicants are amenable to meeting the Council objective of 45% provision with this split between on and off-site. Whilst discussions remain ongoing on this matter, the Council are exploring the potential for the transfer of land as part of this overall package which would be set aside to accommodate future on-site provision as demand emerges during the plan period. Irrespective of whether this forms a component of the overall package the applicants are willing to meet the aims of Council policy on affordable housing and this will be secured by legal agreement should permission be granted.

(v) The Impact on Archaeology

Notwithstanding the submitted details, the Development Control Archaeologist has identified the archaeological potential of this site and recommends that Conditions be imposed to secure a Written Scheme of Investigation (WSI) in line with the advice at Paragraph 141 of the NPPF.

(vi) Highway/Pedestrian Safety

This is a substantial residential development which obviously has the potential to significantly add to traffic and congestion on the local road network. In this respect, the Highway Authority has thoroughly appraised the applicant's submission. The Local Highway Authority are having to respond to the applications as they come in on a somewhat piecemeal basis. This means that the comprehensive forward planning that the public seek to deal with traffic in the town has been overtaken by events. Notwithstanding this, guidance in para 32 of the NPPF only allows them to resist schemes on highway grounds when impacts are severe. Faced with this situation the Highway Authority are looking to achieve 'a nil-detriment' situation by securing developer contribution. As advised the requested developer contribution may not fully fund the entire works necessary to offset the impact of the development and it may well require additional public or development related funds to support any comprehensive improvement package for the town. However, the sum identified is considered reasonable by the Highway Authority to offset the impact arising from this development such that rejection on highway safety grounds cannot be sustained.

With regard to the site itself and its immediate surroundings it is evident that there is sufficient controlled frontage to facilitate the requisite splays. Another potential safety measure may involve the speed limit being reduced in the vicinity of the site entrance. Ultimately, whatever the definitive junction and highway design is, in any subsequent reserved matters/ detailed planning submission, the Highway Authority will seek to ensure highway safety is a fundamental consideration, as is their remit.

(vii) Provision of Infrastructure through Developer Contributions

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

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

The applicants are willing to meet the contribution sought in relation to education provision and this will form part of the legal agreement should the application be approved.

The NHS have been consulted on the need to provide for health care facilities associated with the development. Whilst they have identified that additional facilities may be required they are seeking a payment per unit without specifying a project to be funded at a particular practice. Without this clarity it is not reasonable in terms of the guidance that applies to developer contributions to request the funding sought from the applicants.

(viii) Open Space Provision

There is a requirement under Adopted Local Plan Policy L6 to make appropriate provision for open space and play areas within developments of this scale. The applicant has provided an indicative layout of how this could be achieved on the site. The site is sloping and to achieve a workable play area it may be necessary to carry out some regrading works. However, with a site of this size this should be achievable in a manner that complies with policy and does not cause additional landscape harm.

(ix) Impact on Flora and Fauna

The site is not densely covered in trees but there are two groups of protected trees along the sites northern boundary, mainly bordering rear gardens of Premier Avenue properties. These trees comprise Scots Pine, Oak and Ash, the current mean height of which is stated to be 20m, with an estimated mature height of 25m. Two of this group are stated to be infected with 'Inonotus hispidus' and are recommended to be felled. Notwithstanding this, the trees are afforded a 'B' category which, under the BS5837:2012 'Trees in Relation to Design and Construction Recommendations' are trees of moderate quality and value, including public amenity value. Such trees should be considered for retention. Several other 'B' category trees are located within the site but others have been removed earlier this year along the hedgerow bordering Wyaston Road. Sections of Hawthorn hedgerow within the site are also recommended to be retained. Whilst the submitted layout is indicative, some properties are shown fairly close to protected trees. Consideration should be given in any detailed submission, in respect to the height of the trees (both now and when fully grown) and also to leaf litter, and blowing over of trees in strong winds on this exposed site etc, when substantiating the definitive layout of the housing estate.

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Derbyshire Wildlife Trust (DWT) has assessed the submitted documents with particular reference to the Ecological Appraisal Report prepared by FPCR dated April 2015 and their comments are contained in the "Consultations" section of this report.

Overall DWT consider that sufficient information is available in the ecological report to enable informed assessment of the site's ecological value. They have suggested conditions be imposed to safeguard the badgers and ensure the appropriate future management of ecology on the wider site.

(x) Drainage

The Environment Agency commented on the earlier scheme and raised no objection but their consultation criteria have changed since. The County Council Flood Team have been consulted on the current scheme and their comments are awaited. Given that the scheme breaks the drainage down into three smaller balancing ponds which assimilates better into the landscape and can still achieve SuDS compliance it is not anticipated that objection will be raised.

(xi) Minerals

The comments of the County Council's Minerals team from the earlier application are included in the 'consultations' section of this report. In response to these comments the applicants submitted a Mineral Resource Assessment. This concludes that notwithstanding the potential for the site to have sand and gravel deposits based on their knowledge of the site and adjoining site, it is considered that the sand and gravel deposit present below the site is unlikely to be viable to extract either now or in the future in terms of its volume or quality.

4. The Planning Balance

Parts 1 and 2 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 even though contributors rightly point to the amount of housing previously granted around Ashbourne and the district as a whole 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.

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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 its housing land supply and in line with previous inspectors approaches on this issue the contribution of the 110 houses proposed to meeting this shortfall in supply lends substantial weight to supporting the scheme.

The provision of affordable housing to meet identified need going forward by a combination of on and off site provision with 49 units being supported also has to be given significant weight even though it merely aligns with development plan policy.

The social dimension would be served by the opportunity for a fairly substantial open space which would serve the development but also could provide a facility for other existing residents in the area. This element however only deserves limited weight. The additional demand on community infrastructure not readily funded by this development is considered to counteract this social benefit.

The economic dimension would be served by employment generation during construction and by adding spending power of residents supporting the local economy. However, at least in the short term it looks likely that additional congestion will result on the town's roads which could have a negative economic impact.

In environmental terms the site immediately adjoins the town and residents would have relatively easy access to facilities, albeit walking and cycling may be hampered by distance and gradient. The reliance of the private car to some degree counterbalances the access to facilities but with the addition of substantial new residential estates it may be feasible to increase the penetration and frequency of bus services.

The most substantial environmental impact relates to the impact on landscape. This is prominent hillside visible from the south and the development even with substantial belts of planting will lead to harm of the character and appearance of the landscape. However it has to be noted that this harm has been lessened in this revised scheme by a reduction in the site coverage and changes to drainage arrangements and consequent ability to soften with additional landscaping. Whilst this is a significant adverse environmental impact which weighs against the proposal the Council have been previously advised that this on its own would not amount to a strong basis for resisting the scheme should it go to appeal.

In terms of flora and fauna the loss of habitat that will result is counterbalanced by the opportunity for more active positive management.

In terms of the highway network the Local Highway Authority do not consider that significant threat to highway safety will result but recognise that additional congestion will arise. They aim to address this but the application itself cannot fund an immediate infrastructure improvement to alleviate its impact. This is an adverse environmental impact which is lessened to a degree by the applicant's willingness to aid the highway authority on a proportionate basis.

When the above factors are weighted in the balance it is the view of council officers that although there are adverse environmental impacts in terms of landscape and currently

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unresolved impacts in terms of congestion and pressure on town facilities these impacts are outweighed by the benefits of the housing such that under the terms of paragraph 14 of the NPPF permission should be granted as the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits.

Although Committee have previously rejected a scheme on this site they should have full regard to the changes implemented in this revised scheme which have lessened the impact on the landscape and highway network. They should also have regard to how the Planning Inspectorate are assessing the planning balance in the district in the absence of a 5 year housing supply. These matters should receive full and fair consideration in assessing the planning balance.

OFFICER RECOMMENDATION:

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

1. Application for reserved matters to be made within three years.
2. An application for details of the reserved matters to be submitted and approved before the commencement of works.
3. Construction Management Plan / Method Statement to be agreed.
4. The estate junction with Wyaston Road to have 5.5m carriageway, 2m footways and 2.4 x 65m visibility splays.
5. Before other operations commence detailed designs for the widening of Wyaston Road to 5.5m to the west of the entrance, for pedestrians provision of a 2m footway and a crossing be agreed.
6. Temporary construction access agreed.
7. Prior to first occupation of a dwelling the permanent estate junction to Wyaston Road to be laid out and constructed.
8. Design of internal roads to follow guidance in 'Manual for Streets' in accordance with 6C's Design Guide.
9. Prior to occupation of any dwelling the estate street and footway which serves it to be constructed to binder course level.
10. No dwelling to be occupied until space has been provided with the curtilage/ plot for parking and manoeuvring.
11. Within 28 days of the new junction to Wyaston Road being formed existing access points to Wyaston Road shall be closed.

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12. Works shall not commence on site until a scheme of drainage for highway surface water has been agreed.
13. Travel Plan to be submitted and agreed.
14. A scheme of archaeological investigation to be agreed and implemented.
15. No phase of development to take place until surface water drainage scheme for the site based on SuDS principles has been agreed for that phase.
16. Badger mitigation and habitat enhancement strategy to be submitted and agreed.
17. Landscape and Ecological Management Plan to be submitted and agreed.
18. A scheme for the laying out, landscaping and future management of play areas and open spaces including the balance ponds and swales to be submitted and agreed.
19. A scheme for the provision of affordable housing on site, its transfer and future management to be submitted and agreed.

BACK TO AGENDA