05 October 2015

To: All Councillors

As a Member or Substitute of the Planning Committee, please treat this as your summons to attend a meeting on Tuesday 13 October 2015 at 6.00pm at the Elim Pentecostal Church, Waterside Park, Waterside Road, Ashbourne DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS  The Committee is advised a coach will leave the ELIM PENTECOSTAL CHURCH, Waterside Park, Ashbourne at 2.15pm prompt. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETINGS

Planning Committee – 22 September 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.

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Application Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 - 11</td>
<td>APPLICATION NO. 15/00546/FUL (Site Visit) Erection of poultry rearing building, storage/boiler building at Bentley Cottage Farm, Leapley Lane, Alkmonton.</td>
</tr>
<tr>
<td>12 - 23</td>
<td>APPLICATION NO. 15/00514/OUT (Site Visit) Residential development of up to 8 dwellings (OUTLINE) at Back Lane Shirley.</td>
</tr>
<tr>
<td>24 - 41</td>
<td>APPLICATION NO. 15/00313/OUT (Site Visit) Residential development of up to 33 dwellings (OUTLINE) at land adjacent to Biggin View, Hulland Ward.</td>
</tr>
<tr>
<td>42 - 47</td>
<td>APPLICATION NO. 15/00585/FUL (Site Visit) Erection of 3 Holiday Let Units at Nether Farm, Mill Lane, Sturston.</td>
</tr>
<tr>
<td>48 - 59</td>
<td>APPLICATION NO. 15/00573/FUL (Site Visit) Erection of 5 dwellings at Town End Farm, Chapel Lane Clifton.</td>
</tr>
<tr>
<td>60 - 67</td>
<td>APPLICATION NO. 15/00270/FUL Erection of a two storey building to provide retail units, spa salon and office space including alteration to existing building at land off Horse &amp; Jockey Yard, St John Street, Ashbourne.</td>
</tr>
<tr>
<td>68 - 84</td>
<td>APPLICATION NO. 15/00525/FUL Change of use of land to 5MW solar farm with associated infrastructure at Holtwood Farm, Yelt Lane, Doveridge.</td>
</tr>
<tr>
<td>85 - 102</td>
<td>APPLICATION NO. 15/00527/FUL Change of use of land to 5MW solar farm with associated infrastructure at Twin Oaks, Yelt Lane, Doveridge.</td>
</tr>
<tr>
<td>103 - 119</td>
<td>APPLICATION NO. 15/00549/FUL Erection of a new industrial building and office building and associated works at land at former Dunsley Mill, Via Gellia Road, Bonsall.</td>
</tr>
</tbody>
</table>
To note a report on appeals to the Planning Inspectorate.

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

Members of the Committee
Councillors Garry Purdy (Chairman), Tony Millward BEM (Vice Chairman), Jason Atkin, Richard Bright, Sue Burfoot, Sue Bull, Albert Catt, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Neil Horton, Tony Morley, Mike Ratcliffe, Lewis Rose OBE, Peter Slack and Andrew Statham.

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

SITE VISITS
Members will leave the Elim Pentecostal Church, Ashbourne at 2.15pm prompt for the following site visits:

2.30pm Application No. 15/00546/FUL BENTLEY COTTAGE FARM, LEAPLEY LANE, ALKMONTON
This is a major application and a site visit has been requested by the ward member for the area.

3.00pm Application No. 15/00514/OUT LAND at BACK LANE SHIRLEY
This is an application for more than three dwellings in a small village and needs to be referred to Committee.

3.35pm Application No. 15/00313/OUT LAND adjacent to BIGGIN VIEW, HULLAND WARD
This is a major application and needs to be referred to Committee.

4.15pm Application No. 15/00585/FUL NETHER FARM, MILL LANE STURSTON
This is an application for three dwelling units (holiday lets) and needs to be referred to Committee.

4.40pm Application No. 15/00573/FUL TOWN END FARM, CLIFTON
This is an application for more than three dwellings in a small village.
village and needs to be referred to Committee.

5.00pm RETURN TO ELIM PENTECOSTAL CHURCH, ASHBOURNE

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

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)

2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.

4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
Bentley Cottage Farm, Leapley Lane, Alkmonton
THE SITE AND SURROUNDINGS:
Bentley Cottage Farm is a long established poultry unit which has four sheds currently on site. The unit is located in open countryside off Leapley Lane to the north west of the staggered crossroads in Alkmonton. Access into the site is along a surfaced track to the east of the sheds.

The existing units are set back from the road to the south west of the farm house. Earth mounding has been created between the road and the units. Open fields lie to the north and west of the site. The existing units are only partially obscured within the view from the road by the earth mounding.

To the south west of the site lies the former medieval village of Hungry Bentley which is a designated Scheduled Ancient Monument.

THE APPLICATION:
Full planning permission is sought for an additional poultry unit which is proposed to be set to the north of the existing complex this would be the fifth shed on the site. The proposed building, measuring 124.3m by 24.4m with a ridge height of 4.7m, is to match those already on site in terms of scale and finish.

The building is proposed to house a further 62,800 birds increasing the overall capacity of the site to 296,600 birds. The operation works on a 44 day cycle with the birds being reared within the building for 37 days with a 7 day empty period at the end of each growing cycle for cleaning and preparation for the incoming flock, 8 flocks per annum.

In addition a building measuring 12.2m by 2.74m and 2m high is proposed as a storage/boiler room. It is also proposed to extend the concrete pad to the front of the building.

The application notes the intention to plant a hedge and trees to the along the northern boundary of the site.

RELEVANT HISTORY:
14/00243/FUL Poultry rearing building, feed bins and hard standings – Permitted with conditions
11/00446/FUL Installation of solar panels on 3 no. existing poultry sheds – permitted with conditions
10/00538/AGR Agricultural Prior Notification - Erection of agricultural storage building – Permitted
10/00351/FUL Erection of three replacement poultry sheds – Permitted with conditions
0885/0636 Extension to 3 chicken houses – Permitted
WED/380/169 Erection of chicken rearing house – Granted.
ASR/1169/17 Deep litter poultry farm – Granted.
CONSULTATIONS:
Parish Council – No comments received

Local Highway Authority – No objections on the basis the additional building supports existing poultry rearing activities already carried out at the site.

Environmental Health – A comprehensive boiler information form has been completed and returned to Environmental Health. Noise, dust, odour and smells are dealt with by the Environment Agency. In terms of the boilers we will require then to notify us that they have installed as submitted or submit revisions to us should there be any deviation from what they have submitted.

Development Control Archaeologist – The proposals are unlikely to have an archaeological impact. With regard to the setting of the Scheduled Monument to the west of Bentley Fields Farm I note that the proposal site is 420m away to the north and that the proposed building is likely to be screened to a large extent behind the existing poultry sheds at Bentley Cottage. I therefore advise that the proposal will have minimal impact on the setting of the Scheduled Monument.

Environment Agency – No objections but recommends footnotes.

Flood Risk Management Team – this application does not trigger a bespoke response. Please refer to standing advice.

DCC Rights of Way Officer – Hungry Bentley Footpath no. 15 abuts the western boundary of the site. Please make the applicant aware of the alignment of the line of the path. Recommend footnotes. No applications which affect the site have been submitted under section 53 of the Wildlife and Countryside Act.

Peak and Northern Footpaths – Regret the loss of enjoyment to the users of the footpath adjacent to the site caused by a further Poultry Shed. Urbanisation, noise and smells would increase resulting in a reduction in the pleasure of countryside walking.

Derbyshire Dales Ramblers Group – No objection providing the footpath is not obstructed either during or after construction.

REPRESENTATIONS:
3 letters of objection have been received from local residents which raise the following concerns:
- Object to further expansion – further risk of pollution and noise
- Now an industrial scale development which continues its expansion unchecked
- These are ancient settlements dating back to the Anglo Saxon period
- This is a quiet area – this will increase large vehicle traffic – lanes in this area were not made for such large vehicles
- Flood water in the locality was contaminated from this site; further hard standing will increase the risk of flooding
- The impacts from dust and odour worsen the effects of asthma on local residents
- As the site increases the impacts of it also increase
- The scale of the business has increased by 75% over the past 5 years
• All construction traffic should use the existing access to the main site
• Where will the expansion of the site end

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
EDT8: Design And Appearance Of New Industrial And Business Premises
EDT13: Buildings Associated With Agriculture, Forestry Or Other Rural Based Enterprise
EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks
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
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework
National Planning Policy Guidance

ISSUES:
The issues for consideration in this case are the principle of the expansion of the existing farming enterprise, the visual impact of the proposal, the impact upon highway safety, the impact upon heritage assets and the impacts upon amenity including noise and smells.

Principle
Adopted Local Plan Policies EDT13 and EDT15 support the provision of agricultural business development in the countryside in principle. These state that the development should be commensurate with the needs of the agricultural/business operation, be of acceptable design and appearance, not have an impact on the character and appearance of the wider landscape and relate well to existing buildings. In this respect, the proposed development represents an acceptable extension of an existing agricultural business operation and is considered to accord with these Policies. These policies remain broadly in line with the requirements of the National Planning Policy Framework particularly in relation to development in the countryside.

Visual impact
The addition of a further shed to the site will have some further visual impact. The proposed building is of the same design, scale and materials as the existing buildings on site and is set in very close proximity to these. It is therefore considered that the proposed building will have minimal visual impact upon the wider landscape as seen within the context of the existing development. In order to mitigate against this additional visual impact it is considered that further landscaping of the site should take place particularly to the northern boundary. In order to ensure this, it is appropriate to impose a landscaping condition. Subject to this condition the proposal is considered to be acceptable in terms of landscape impact.
Highway safety
The Local Highway Authority have considered the proposal and have advised that on the basis that the additional building supports the existing poultry rearing activities on site there is no objection to the proposal on highway safety grounds. Whilst there is likely to be an increase in traffic generation associated with the development, the majority of the surrounding highway has sufficient width to allow two-way traffic. In this respect, the overall increase in large vehicles is likely to have a minimal impact on the surrounding road network. The proposal meets the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Whilst no objection has been raised in terms of the impact the development will have upon the route of Hungry Bentley footpath no. 15, regret has been noted at the loss of enjoyment of the countryside as a result of this proposal. This objection is noted, however, such agricultural developments necessarily take place in the countryside and are an important part of the rural economy.

Concern has been raised by a local resident noting that the main entrance to the site should be utilised for the construction vehicles. Whilst there is no reason to assume this will not be the case it is reasonable to allay these concerns by imposing a condition to ensure the existing access is utilised.

Heritage assets
The application site is located to the north east of the site of the former medieval village of Hungry Bentley which is a designated Scheduled Ancient Monument. The Development Control Archaeologist has advised that there would be no archaeological impact as a result of the proposed development. The proposal therefore satisfied the requirements of Policy NBE24 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Amenity
Understandable concerns have been raised by local residents regarding the potential for increased noise, odours and dust from the site. The control of processes or emissions are the responsibility of the Environment Agency. In this respect the Local Planning Authority should assume that these regimes will operate effectively (refer to paragraph 122 of the National Planning Policy Framework).

The applicant has submitted detailed information regarding the biomass boiler and it is considered reasonable to impose a condition to ensure the boiler is installed and operated in accordance with the submitted details. This is the only matter which is considered to require separate control under planning legislation.

Conclusion
The proposed development will be of benefit to the rural economy and will have minimal visual impact subject to landscape mitigation. The issues raised regarding noise, dust and smells are in this instance also controlled by the Environment Agency. In view of this it is not considered reasonable to impose further planning conditions for matters that are controlled by other legislation. The proposal will have no adverse impact upon highway safety. It is considered that the proposal meets the requirements of local and national planning policy and therefore planning permission should be granted.
OFFICER RECOMMENDATION:
To grant planning permission subject to the following conditions:

1. Condition ST02a: Time Limit On Full

2. The biomass boiler shall be installed and operated in accordance with the details submitted on the biomass boiler information request form received 27.08.15 unless otherwise agreed in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details.

3. The building and silos hereby approved shall be constructed in materials which match the type and colour of the materials of the existing poultry unit buildings on site.

4. Condition LA12a: Approval of landscaping scheme before commencement of development (remove: a, b, c, d, f, i, j, l, m, n)

5. Condition LA13a: Landscaping to be carried out and maintained

6. The access to the east (frontage) of the site only shall be utilised both during construction and for the operation of the business.

Reasons:

1. Condition ST02a: Time Limit on Full

2. To protect amenity and air quality in accordance with Policy EDT8 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the national Planning Policy Framework

3. To ensure an appropriate finished form of development in accordance with Policies SF5, EDT8, EDT13, EDT15 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the national Planning Policy Framework

4. To ensure a satisfactory landscaped setting for the development in accordance with the aims of Policies SF4, SF5, EDT13, EDT15 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

5. To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with Policies SF4, SF5, EDT13, EDT15, NBE8 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained in the National Planning Policy Framework.

6. For the avoidance of doubt and in the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the national Planning Policy Framework

NOTES TO APPLICANT:
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. The Environment Agency require the applicant to contact Judy Smith judy.smith@environment-agency.gov.uk or Helen Boston helen.boston@environment-agency.gov.uk to provide information for the EA to:
   • Carry out pre-application ammonia screening. This will determine whether ammonia modelling will be required with the permit application.
   • Check whether any additional biomass boilers meets screening criteria.

Application forms to vary the existing permit can be found at: https://www.gov.uk/government/collections/environmental-permit-application-forms-to-change-vary-an-existing-permit

As part of the application process the applicant should also carry out screening for heritage and conservation sites and include it with any permit application.

This can be found at: https://www.gov.uk/government/publications/environmental-permit-nature-and-heritage-conservation-screening

3. DCC Rights Of Way advises the applicant as follows:
   • The route must remain open, unobstructed and on its legal alignment at all times.
   • There should be no disturbance to the surface of the path without prior authorisation from the Rights of Way Inspector for the area.
   • Consideration should be given to members of the public using the path at all times.
   • A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least 5 weeks’ notice is required to process the closure and an alternative route should be provided if possible.
   • Plan of the footpath attached.

4. Refer the applicant to the attached standing advice from the Derbyshire Flood Risk Management Team

5. This decision relates to the following documents:
   Design and access statement received 24.07.15
   Proposed storage building elevations received 24.07.15
   Proposed broiler rearing unit elevations and floor plan received 24.07.15
   Location plan received 24.07.15
   Notice of variation and consolidation with introductory note from the Environment Agency received 24.07.15
15/00514/OUT

Back Lane, Shirley

Derbyshire Dales DC

Date: 02/10/2015

100019785
THE SITE AND SURROUNDINGS:
The application site is a parcel of land of 0.29 hectares in size. This is a green field site located on the fringe of the village of Shirley. The site is enclosed by hedging to the north east, north west and south west. Residential properties are located to the south west, north east and further along Back Lane to the north of the site. The northern tip of the site is onto a cross road junction between Back Lane and Marsh Hollow. There is a Conservation Area in Shirley located further north of the site beyond the neighbouring residential properties.

THE APPLICATION:
Outline planning permission is sought to erect 8 dwellings. The application form specifies that the proposed development is for 8 dwellings whereas the indicative scheme is noted to be 8 bungalows. Given the indicative nature of the application details with all matters reserved for prior approval for the purposes of this application the proposal is for 8 dwellings. It is noted in the application details that the indicative layout is one potential layout for the site and it would be intended to discuss the detail of the application should the outline application be successful prior to the submission of the reserved matters.

The applicant’s agent has submitted a supporting statement noting the current policy situation with regard to the need for housing. The following pertinent points are also made in the supporting document:

- Development on this site would be in keeping with the general character of the village.
- The dwellings would be similar in size and scale with housing opposite the application site
- The application would result in the loss of part of a green field site, the benefits in providing much needed housing for the village and the District as a whole would outweigh this loss
- Paragraph 55 of the NPPF states that new homes in isolated locations should be avoided. It goes on to note that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Therefore the NPPF does not exclude new housing in rural areas but requires that it should be located where it will benefit local communities.
- The site is not isolated but benefits from a sustainable edge of village location where it will help to sustain the vitality of the village. In addition Shirley is one of a number of smaller villages around Brailsford (2.5 miles away) which acts as a local service centre and as such development would be in accord with paragraph 55.

The applicant has also submitted an ecological survey which concludes that the development will have no adverse impacts upon ecology.

RELEVANT HISTORY:
None
CONSULTATIONS:
Parish Council – Objection.
Shirley is classed as countryside. DDDC’s policy on development in the countryside is clear and unequivocal in that it should be limited to that which needs to be located in the countryside. There is no essential need in this case. The granting of the application would set a dangerous precedent not only for Shirley but for all small settlements in the Derbyshire Dales. The essential character and balance of the settlement hierarchy within this rural area risks being compromised and undermined.

Shirley is a very small settlement where nearly all services and facilities must be accessed in higher order settlements. The sewage and electricity supply systems are already put under strain by current usage. The Design and Access statement is incorrect where it states that there is development on three sides of the site, there is only development on two sides; therefore this development cannot be considered as infill.

Local Highway Authority – As you will be aware Shirley is a small rural village with very limited facilities and no regular public transport provision – in transportation terms these deficiencies and lack of employment opportunities / schools etc. are likely to increase trip generation associated with any new residential properties, as future residents will need to travel out of the village to seek these facilities.

The majority of roads within the village are limited in terms of geometry and alignment and junctions are typically restricted in terms of emerging vehicle visibility. Although, it is perceived that vehicle volumes and speeds are low in this general area.

Back Lane, in the vicinity of the site, varies in width although it reduces to circa 3m in parts, with limited passing opportunities. The junctions at either end, including the crossroads junction where Church Lane / Marsh Hallow bisect Back Lane, also exhibit extremely limited levels of visibility. Back Lane does already cater for a limited number of residential properties, however, what is proposed for this site, as identified on the indicative plans, is circa 8 No large residential dwellings, which will virtually double the number of properties on this particular part of Back Lane; with consequential increases in vehicle activity.

Given the roadside frontage controlled by the applicant it may be possible to provide some local highway improvements to the geometry on Back Lane, to provide a carriageway width capable of supporting 2-way traffic movements, as well as providing a margin suitable for pedestrian use. It is further likely, subject to these improvements supporting the proposals; that accesses to Back Lane could be furnished with acceptable levels of visibility and adequate space afforded to vehicles manoeuvring to and from any proposed fronting driveways. However, this would not address the visibility deficiencies at the junctions in the immediately vicinity that would be subjected to the increase in vehicular activity as a result of the development. Whilst it is appreciated the application is in pure outline form, I cannot presently see how these issues could be addressed by the applicant utilising controlled land or land in existing highway limits. From a highways perspective it would be preferable if ‘access’ was determined at this stage, with possible highway improvement solutions for Back Lane and affected junctions submitted by the applicant and agreed, to offset the likely impact of the development at this rural location.
Based on the information currently available to support the application, the Highway Authority is concerned that Back Lane and the surrounding highway network may not be capable of safely catering for the additional vehicular traffic and pedestrian demands associated with the anticipated scale of residential development. Whilst 8 No dwellings is not normally considered to be a large development, in the case of Shirley, it probably represents close to a 10% increase in the total number of dwellings in this small rural village. I would therefore be grateful if the applicant could be made aware of the Highway Authority’s concerns with a view to modifying the nature of the application and/or providing a reasonable level of mitigation to offset the impact of any proposed development at this location. In the meantime please hold the application in abeyance.

Derbyshire Flood Team – Any alteration to the existing impermeable surface area may exacerbate surface water flood risk. DCC strongly promote Sustainable Drainage Systems be incorporated in the design of a drainage strategy for any proposed development. Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or public sewer. The applicant is advised to investigate the potential for hidden watercourse existing on the land prior to any works being undertaken. A site specific ground investigation is undertaken for the site to ascertain the existing ground water conditions for the proposed development site. Prior to the granting of planning approval it will need to be confirmed which organisation will be responsible for the long term maintenance of the drainage systems once the development is completed.

Derbyshire Wildlife Trust – No response received

Derbyshire County Council Policy and Monitoring – Advised that footnotes be added to any permission advising of the need for access to high speed broadband services and designing new homes to lifetime homes standards. No financial contribution required towards waste management. Due to the number of dwellings involved (less than 10) there would be no requirement for an Education S106 contribution. Advised that a sprinkler system should be utilised.

REPRESENTATIONS:
31 letters (including 2 second letters) received from local residents raising the following concerns:

Principle
The local plan still carries weight
A small village with no services or facilities to support further accommodation
Housing development should be located in areas where services and facilities can be provided
There is significant local objection to the proposal
This is an isolated rural environment
Shirley already has a number of affordable homes spread throughout the village
There is a lack of population turnover with residents wanting to stay in the area
High property values in this area leading to developer profits without consideration of the local community
The proposal does not comply with planning policy
Shirley is located some distance from employment areas
No policy change has taken place that would overturn the categorisation of settlements to allow Shirley to be a village in which some development is possible. Development should only be allowed if it is essential or for affordable housing, the proposal does not meet these criteria.

There is no demand for additional houses in Shirley. This is not a sustainable location.

People in Shirley travel to Ashbourne or Derby for facilities not Brailsford which only has one small shop.

Do not confuse the pressure on DDDC to provide additional housing with the housing need in Shirley.

This is a green field site.

It has been clearly stated by the Planning Policy Manager that there would be no further development in Shirley due to its location in open countryside.

The government has proposed an increase in the density of development which is understandable but not for development to be in the countryside. There is no shop, doctors, school, mains gas supply, employment, street lighting in the village.

The type of dwelling is not specified.

The technical definition of infill does not apply here.

Affordable housing policy has been ignored.

The development would be a 10% increase in the village.

The village voted against this proposal.

Highways

In bad weather the village in inaccessible.

Increased pressure on parking in the locality.

There are single track lanes here which have issues with road safety.

There have been accidents in the locality due to the speed of traffic travelling through the village.

The junction of Back Lane and Marsh Hollow is dangerous with poor visibility.

The proposal would lead to the need to alter the junction.

This is a country lane.

Widening the road in this location for highway safety would lead to harm to the character of the area.

The road is used by walkers.

The cross roads is a blind spot.

Highway safety measures would require the removal of the hedgerow.

Increased traffic would further damage verges and ditches.

Risks liable for flooding.

The roads are not well maintained, narrow with bends.

Roads are subject to the national speed limit at 60 mph.

Character and appearance

The development would change the character of the village irrevocably.

In previous years unsympathetic development has disfigured the village, let’s not repeat this.

On approaching the village the backs of the houses would be visible which would be detrimental to the character and appearance of the area.

8 houses would be overdevelopment.

The proposal would harm the character and visual amenity of the area.

The views from the open countryside would be harmed.

The development would be an eyesore in an area of great natural beauty.
Development should enhance the character and appearance of the area
There are listed buildings and a Conservation Area in Shirley
This is an estate village dating from the middle ages
The density is out of character

Ecology
If spraying of the site has taken place it is assumed there would be records of this as the site has been used for grazing and is habitat for local flora and fauna
The ecological assessment was carried out after the site was mown
There are Great Crested Newts, Badgers and barn Owls in the locality
The hedgerows are habitat for local species
No spraying has been seen on this site

Amenity
Adverse impact on residential amenity of neighbouring properties
Potential for overlooking

Drainage
Will soakaways be appropriate on the site
Have percolation tests been carried out
The manhole often overflows with raw sewage

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4: Development In The Countryside
SF5: Design And Appearance Of Development
H4: Housing Development Outside Settlement Framework Boundaries
H9: Design And Appearance Of New Housing
H12: Alternative Provision For Affordable Housing Outside Of Settlement Frameworks
NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
NBE8: Landscape Character
NBE12: Foul Sewage
NBE26: Landscape Design In Association With New Development
TR1: Access Requirements And The Impact Of New Development
TR8: Parking Requirements For New Development

National Planning Policy Framework
National Planning Practice Guidance

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

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

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

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

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

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

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

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

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded 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 dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

The remainder of this report will analyse the scheme against this policy requirement taking into account other material planning considerations.

**The suitability of Shirley as a settlement for sustainable housing expansion**
Shirley is a small village with minimal services or facilities, a Public House and a Church being the only services within the village. The village of Brailsford which has more services and facilities is located approximately 2.5 miles away from Shirley.

There is a need for substantial levels of further housing in the District to meet objectively assessed needs. However, the majority of such housing should, it is considered, be sited in the most sustainable locations, i.e. the Market Towns. Given the extent of new housing required it is likely that development will also be required to be located in the larger villages where there is a greater provision of services and facilities, for example, a school and village shop. Whilst it is not envisaged that smaller villages such as Shirley should accept substantial expansion it is reasonable to assume that some level of small scale infill and consolidation will need to be accommodated in the smaller villages.

The applicant’s agent has put forward an argument for development in this location on this basis and has also noted paragraph 55 of the National Planning Policy Framework in terms of the need for Shirley to support the services provided in Brailsford, paragraph 55 requires in part that:
- In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Whilst it may be reasonable to conclude that small scale infill and consolidation will be required in small rural villages it is not considered to be logical to state that the services provided in the village of Brailsford will need to be supported by further development in
Shirley where Brailsford itself is a more suitable location to accommodate some housing expansion. It is not considered reasonable in this case to justify the development in Shirley as a direct need to support the services in Brailsford; no evidence has been put forward to justify the development on this basis.

Overall whilst Shirley may be able to accommodate some consolidation and infill, substantial expansion will be an unsustainable form of development as the village has such a limited range of services and residents will be heavily reliant on the private car to access services elsewhere.

**Landscape Impact**

Shirley is a small village on a ridge, with the land falling away from the settlement edge, gently to the south and west and more steeply to the north and east. This falling topography enables long distance views towards the settlement edge and land surrounding the village has high visual prominence.

The settlement edge in the south east is well defined and Back Lane is important in this regard. Back Lane is a narrow country road that wraps around the south eastern edge of the village. In spite of modern detached residential development that has become established on its north western side, Back Lane manages to retain its rural character largely as a result of field boundary hedgerows that tightly contain the lane on the south eastern side and, in large part, define the boundary with open countryside. The site is located in an area where the sensitivity of the landscape to housing development is assessed as being high.

Work being undertaken on landscape sensitivity as part of the emerging local plan assessed the landscape within which the site is located as one with high sensitivity to housing development. In general, high sensitivity relates to land with a high susceptibility to change and/or which is of high value e.g. land adjacent to or visually prominent from the Peak District National Park or World Heritage Site, land outside the settlement pattern, land which has high visual prominence, land which contributes to heritage or ecological assets. The analysis provided by this document is borne out by assessment on the ground.

The development proposed represents an intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge. As a result there is likely to be adverse impact on local landscape character which would harm the setting of the village.

The character of Back Lane itself is put at risk by the development. Much, if not all, the hedgerow on this side of the road will be lost to accommodate access arrangements for each of the properties and sight lines when turning onto the road. Even if the design was to include proposals for the re-planting of the hedge behind a verge it would have a much reduced impact in the street scene and the lane would likely become much more domestic in character (as has occurred on the other side of the road).

The significant harm to landscape character in this location as a result of the proposed development is considered to be contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the core planning principles of the National Planning Policy Framework.
Heritage Asset
The site is within the village of Shirley which contains a Conservation Area. The site is situated to the south of the Conservation area with existing residential development located between the application site and the Conservation Area. It is considered that the development of this site will not have any adverse impact upon heritage assets.

Highways
The Highway Authority has raised concerns regarding the potential visibility from the site and at the junctions close to the site. Given the isolated nature of Shirley it would also be necessary to travel from the site to services and facilities thereby increasing vehicle trips. The Highway Authority are therefore suggesting that the width of Back Lane should be altered to ensure visibility from the accesses but also that junction improvements would need to be made which it would appear would need to involve land outside of the applicant’s control and outside the application site area. Therefore it would appear that the issue of highway safety cannot be adequately resolved through this planning application.

All of the required alterations both to Back Lane and the junctions would have an impact upon the overall character and appearance of the locality to such an extent that the character of this rural lane would be significantly altered into a more domestic appearance. It is considered that these alterations whilst satisfactory from a highway perspective, would cause harm to the character and appearance of the area would be irrevocable and wholly unacceptable as set above in the landscape assessment of the proposal.

In terms of highway safety the proposal is considered to be contrary to the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework as the applicant has failed to ensure that the additional vehicle movements could be safely accommodated at the existing junction. In the absence of the applicant being able to secure highway improvements requiring land outside their control, the development would lead to an increase in dangerous vehicle manoeuvres onto the local highway network to the detriment of highway safety.

Drainage
The County Flood Team has assessed the proposal and have recommended that a number of matters are addressed prior to development being carried out on the site. These include the need to ensure a sustainable drainage system, clarification of the maintenance responsibilities of the drainage system and investigation of ground conditions. Should planning permission be granted these matters can be resolved via appropriate conditions.

Concern has been raised by local residents regarding the foul drainage capacity in this location. In order to ensure foul sewage can be appropriately managed from the site a condition could be imposed to resolve this matter.

Ecology
Concerns have been raised regarding the impact of the development upon ecology. The applicant’s agent has submitted an ecological survey regarding the impact of the development upon ecology which concludes that the development would not have an adverse impact. The Local Planning Authority is awaiting a response from Derbyshire Wildlife Trust regarding the impacts upon ecology and will update the committee on this at the meeting.
Amenity
Concern has been raised by local residents that the development would lead to an adverse impact upon the residential amenity of existing residents in neighbouring properties. Whilst the application is Outline only it is considered that it would be possible to develop the site for housing without having an adverse impact upon residential amenity. It is acknowledged that the view from the existing dwelling would be significantly altered as a result of the proposal this is not considered to be a material planning consideration.

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

The golden thread running through the Framework is for development to be sustainable. There are three elements to sustainability, the economic, social and environmental roles. In terms of these roles the proposed development is considered as follows:

In terms of the economic role, this would be fulfilled in that the development itself would generate employment during construction and when occupied the additional housing would support existing businesses in the village and the surrounding area.

Whilst the social role would to some degree be met in terms of providing needed housing for the wider district, this housing would be in an isolated rural location where residents would have to be heavily reliant on the private car to access services and facilities. In not having accessible services that reflect the needs of the community which support its health, social and cultural well-being, the development in the round fails to meet the social role of sustainability.

The environmental role requires the development to be acceptable in terms of protecting and enhancing the natural, built and historic environment and as part of this mitigate and adapt to climate change including moving to a low carbon economy.

The proposed housing would be in an isolated rural location where residents would have to be reliant on the private car to access services and facilities, this reliance on the car even for short journeys counts against the development in environmental terms.

The development of this site would have an adverse impact on the character and appearance of the countryside. The development would be an intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge. As a result there is likely to be adverse impact on local landscape character and the setting of the village. In the round the development fails to meet the environmental role of sustainable development.

The significant expansion of Shirley is inherently unsustainable due to the limited access to any services and facilities and the resultant reliance on the private car. Furthermore the proposal would cause harm to the character and appearance of the landscape and setting of the village. As such the adverse impacts are considered to significantly and demonstrably outweigh the benefits of the development in this case and therefore planning permission is recommended to be refused in accordance with paragraph 14 of the NPPF.
OFFICER RECOMMENDATION:
To refuse planning permission for the following reasons:

1. The development of this site would lead to an unsustainable intrusion into the countryside on this side of the village beyond an existing, well defined settlement edge which clearly delineates the boundary between the village and the open countryside. The development of this green field would therefore harm the landscape setting of the village and as such is contrary to Policy NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

2. Back Lane as a rural lane is restricted in terms of its width; visibility at the junction between Back Lane and Marsh Hollow is limited in terms of visibility. This proposal would increase traffic movements in the immediate locality of the site. In the absence of the applicant being able to secure highway improvements requiring land outside their control, the development would lead to an increase in dangerous vehicle manoeuvres onto the local highway network to the detriment of highway safety. The proposal is therefore contrary to Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Footnotes:
1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. This decision notice relates to the following documents:
Location plan no. 496-1 received 21.07.15
Indicative plan no. 496-2 received 21.07.15
Ecological scoping study
Design and Access Statement received 21.07.15
15/00313/OUT

Land adjacent to Biggin View, Hulland Ward

Derbyshire Dales DC

Date: 02/10/2015

100019785
THE SITE AND SURROUNDINGS:
The site is an area of open fields of Grade 4 agricultural land set to the north of the A517 and Biggin View, on the north western side of Hulland Ward. The fields are accessed via Biggin View which also has eight affordable dwellinghouses served off it.

The land slopes downwards from the south-west to the north-east. The fields are largely bounded by substantial hedgerows with inter-set trees. The landscape character is one of Settled Plateau Farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. Key features include the field boundary hedges and mature hedgerow trees which also provide habitat for wildlife.

The site (particularly the western field) is in a prominent position with the southern boundary being close to the local ridgeline which runs through the village from east to west. From the A517, and further afield to the south, views are largely screened by the landform and an embankment on the northern side of the road. Views from the north and north west across attractive countryside are more open in nature, although they are filtered/partially screened by hedgerows and hedgerow trees within the site and its surroundings.

THE APPLICATION:
Outline planning permission is sought for up to 33 dwellings. The application reserves all matters, although an illustrative plan has been submitted with the application. This shows the only proposed vehicular access to be taken off the A517 via Biggin View. The illustrative masterplan shows the housing extending into two fields to the north of A517. This includes the field immediately west of Biggin View and part of the field to the north of it. It is proposed that the most northerly part of the field will be left as public open space. A balancing pond is proposed to be located in the northern (lowest) part of the field immediately to the west of the main site.

The application is accompanied by the following supporting documents:-

- Planning, Design and Access Statement
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan
- Primary Ecological Appraisal
- Transport Statement
- Heritage Report

All of these documents have been retained on the public file for examination and comment and circulated to consultees. They are referred to, where necessary, and pertinent in the ‘Issues’ section of the report. The broad outline of the applicant’s supporting case is set out in the Planning Statement and can be summarised as follows:-
1. As the District Council does not have a 5 year housing land supply or up-to-date plan in place, the presumption in favour of sustainable development in Paragraph 14 of the National Planning Policy Framework is invoked.

2. The scheme is influenced by, and has followed, the recommendations of the Landscape Visual Impact Assessment which established the potential for minor/moderate landscape impact.

3. The proposal satisfies Policy H9 of the Adopted Local Plan having taken into account local context and constraints of the site to include integrating existing trees and hedgerows, provision of adequate amenity space, good urban design and maintaining minimum separation distances between properties to provide good levels of privacy.

4. The commissioned Transport Statement concluded that there are no transport reasons to prevent the development from proceeding.

5. Provision is made for on-site affordable housing and a financial contribution to off-site provision.

6. Supplementary planting will be provided, principally along the western boundary.

RELEVANT HISTORY:
Adjacent site – Wheeldon Way, Hulland Ward

14/00698/OUT - Residential development of up to 48 dwellings, creation of new access and associated public open space, landscaping and drainage infrastructure - Outline – Refused – Appeal to be determined

CONSULTATIONS:
Parish Council – Object:
- feel proposal would constitute an unsustainable expansion of the settlement of Hulland Ward
- would result in harmful encroachment into the countryside, detrimental to its character and appearance and that of the settlement
- contrary to Policies SF4 and NBE8 of the Derbyshire Dales Local Plan (2005) and guidance in the National Planning Policy Framework.

Local Highway Authority – No objection - Comment:
- do not fully agree with the Transport Assessment but there is no evidence base to conclude that the development would have a significant adverse effect on capacity or safety of the local road network
- no data that would support a reason for refusal based on severe harm to the highway network
- require conditions.

Derbyshire Wildlife Trust – Comment
- request a condition that mitigation and enhancement measures are included in an Ecological Mitigation and Enhancement Plan to be approved prior to any work commencing on site.
Environment Agency – Comment:
- refer to DCC as Land Drainage Authority.

District Council’s Head of Housing – Comment
- require provision 25% of dwellings to be affordable dwellings and a financial contribution in lieu of 20% off-site provision

DCC Strategic Planning – Comment:
- comment on waste collection, broadband provision and education
- do not require a financial contribution towards education provision.

DCC Crime Prevention Design Advisor – No comments to make at this early stage.

Derbyshire Fire and Rescue Service – Comment:
- recommend installation of domestic sprinkler system or provide a minimum 32mm water supply cable to allow future installation

REPRESENTATIONS:
A total of 54 letters of representation from 49 local residents and a Derbyshire resident. The comments are summarised as follows:

Policy
- unsustainable development as detailed in consideration of planning application at Wheeldon Way
- increase in traffic pollution
- object to development of green field sites when there are brownfield sites in Derbyshire still undeveloped
- site is good quality farmland
- have accommodated small developments in the past such as Biggin View but development is too large
- potential for further development of adjoining fields
- large scale developments will put pressure on overstretched local public services
- houses on Biggin View took considerable length of time to occupy
- never been a shortage of houses for sale in the village
- many of the houses will be occupied by commuters with no local tie to the village and will not sustain the village
- does not meet the need for providing locally affordable housing
- as a community, only need affordable housing
- development could double the size of the village
- properties purchased as second homes
- planning application for 48 dwellings at Wheeldon Way refused planning permission
- no strategy for dealing with applications together
- need to question conclusions of the Government Inspector regarding number of houses required
- in direct conflict with Government policy for builders to develop brownfield areas before greenfield
- with increasing population it is important to preserve agricultural land for food security
- makes sense to concentrate new developments in towns and cities where infrastructure can easily be extended
- adequate housing stock approved in Ashbourne and Brailsford
- Localism Act seeks to achieve a shift of power away from central government towards local people
- believed had assurances that there would be no further developments up to at least 2028
- too many dwellings in one go
- village increased 9% between 2002 and 2012 when only 2% was recommended
- no ‘Building for Life’ assessment.

Facilities and Infrastructure
- impact on local power supplies, water and internet
- not enough school places
- only one small doctor’s surgery without capacity for additional houses and those proposed in Brailsford - no room at Hulland Ward or Brailsford surgeries
- doctor’s surgery only open part time
- no shops other than florist and garage – more traffic associated with deliveries to these
- few jobs available in the area – most people travel to Ashbourne, Belper, Derby and beyond
- 99.7% of local jobs are over 5 miles away
- inadequate bus service and would not accommodate shift workers
- doubts that the bus service will continue
- have no post office
- post office located in the village stores which is only open part time and has previously been threatened with closure
- no additional recreation facilities
- continued growth of other villages has had knock on effect on travel times
- secondary children have difficulty going to extra-curricular activities – private cars are essential
- emergency services are not quick to arrive due to distance from Ashbourne.

Character and Appearance and Landscape Impact
- detracts from the character and appearance of the village
- site is high and exposed from all directions and suffers from winds and snowdrifts
- encroachment into surrounding countryside contrary to Policies SF4 and NBE8 of the Adopted Local Plan
- area is principally made up of bungalows – two storey development could ruin the area
- harm to beautiful landscape
- unlevel site
- creates an area that could be infilled
- housing density extremely high
- very little information on housing layout or design
- loss of view over the hills towards Kirk Ireton and Alport Heights – key vistas
- land is in Biggin, not Hulland Ward – will merge the villages together
- detrimental impact on surrounding area which is important draw for the tourist industry on approach to Carsington Water – negative impact on local economy as a result
- attempt to destabilise organic growth of the village
- too close to main road - any development should match the siting of Biggin View
- potential to expand into further fields.
Amenity
- impact on neighbours during construction works
- steep site would be an issue for elderly people getting around
- large developments would have a negative impact on social cohesion and quality of life
- loss of privacy to residents of Biggin View
- impact on Overbrook Poultry Farm by bringing residents within close proximity of the site – such a case at poultry site at Wyaston.

Highway Issues
- access to A517 too restrictive and dangerous
- traffic accelerates downhill past the junction - traffic leaving the site has to cross this
- A517 increasingly busy with heavy lorries, cars, tractors with trailers, caravans, cyclists and pedestrians
- safety risk to cyclists on A517 and Dog Lane
- construction traffic will put clay mud onto the highway and increase hazard
- traffic speeds higher than speed limit
- more traffic congestion at the junior school
- difficulty in entering and exiting the village in bad weather
- since July 2014 there have been six accidents in the vicinity – two were serious and one was fatal
- Derbyshire Constabulary has declared the A517 through Hulland Ward as one of the most dangerous in the County
- road closure creates long diversions along country lanes
- inadequate parking provision to meet standards
- would be extensive on-street parking in the estate
- traffic flow through the estate would be exacerbated by shopping/courier delivery vehicles.

Drainage
- inadequate sewage and drainage system
- Hulland Ward is on a high water table and land does not drain properly
- numerous natural springs resulting in very poor drainage
- sewage treatment works are having system upgraded due to inefficiency.

Ecology
- bats, newts, toads, hares, weasels and badgers recorded in the area
- Ecclesbourne project concerned with the quality of water - water from sewage works flows into Biggin Brook and then the River Ecclesbourne
- fields are full of wild flowers and have been used for agriculture for centuries.

Other
- same issues as set out in rebuttal document produced approximately 6 months ago
- opportunistic developer greed in association with not having a Local Plan
- if approved, would presumably re-apply at Wheeldon Way site.

- refer to refusal of planning permission on land off Wheeldon Way which stated:

The proposed development would constitute an unsustainable expansion of the Settlement of Hulland Ward. It would result in harmful encroachment into the
countryside detrimental to its character and appearance and the character and appearance of the settlement. As such the proposal is contrary to Policies SF4 and NBE8 of the Derbyshire Dales Local Plan (2005) and guidance in the National Planning Policy Framework.

- with local survey conducted in 2015, villagers advised they wished to live in quiet lanes and roads, a 20mph home zone, allotments and for the playing field to be made a village green
- with regard to highway matters and sustainable travel development does not meet the objectives of the East Midland Regional Plan (2006), and Derbyshire Local Transport Plan (2006 – 2011)
- provide crash map data
- very strong record of house building would suggest that over the plan period to 2028 more housing would be built than the proposed development of a kind more suited to the needs of the local communities – well received schemes at Biggin View and Charles Walker Close
- between 2002-2014 planning permission has been granted for 42 dwellings in the village increasing housing stock by 9.3%
- no identifiable need for housing in the village.

The document raises other objections reflecting the comments of the local residents above and have therefore not been repeated.

A letter of representation from Pegaus Group, on behalf of the applicant at land at Wheeldon Way. The comments are summarised as follows:
- refer to Strategic Landscape Sensitivity Assessment (SLSA)
- Wheeldon Way appeal site falls in an area of medium landscape sensitivity and the Biggin View site is more sensitive in landscape terms
- trust the conclusions of the SLSA will be appropriately considered in the Committee Report and by Members when determining the application.

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
   SF7: Waste Management And Recycling
   SF8: Catering For The Needs Of People With Disabilities In Development And Redevelopment
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design and Appearance Of New Housing
   H12: Alternative Provision For Affordable Housing Outside Settlement Frameworks
   H13: Affordable Housing Exceptional Sites In Rural Areas
   NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
   NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
   NBE6: Trees and Woodlands
   NBE7: Features Important In The Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE16: Development Affecting A Listed Building
   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

   Paragraphs 7, 12, 14, 17, 47, 49, 50, 56, 73, 109, 112, 118, 123, 129, 132, 133, 134, 135, 139, 144
   Annex 1: Implementation Paragraphs 210, 214, 215

3. National Planning Practice Guidance

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

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

   The Derbyshire Dales Local Plan is the sole development plan for the area. Its policies have been saved and continue to have force where consistent with the National Planning Policy Framework (NPPF) which 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’s 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 District Council is able to fully justify an alternative figure, any calculation of five year supply in the interim has to be based on this indicative figure of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock, and with the assumption that Ashbourne Airfield and Leys Farm, Ashbourne and Derby Road, Doveridge, and several other such planning permissions, will soon be issued as decisions, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

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

The Council received the decision on the 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 unable 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.

A similar case had previously emerged in Tansley where a proposed development at Tansley House Gardens was granted on Appeal, ultimately on the basis that the District Council could not demonstrate a 5 year housing land supply and that refusal on impact on the landscape, close to the Lumsdale Conservation Area, did not significantly outweigh the benefits of providing for housing to meet the housing land supply requirements.

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 the above policy requirements.

2. Other Planning Considerations

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

(i) The sustainability of housing provision on this scale in Hulland Ward and relationship with the Local Plan process.

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

(iii) The impact on heritage assets and their setting.

(iv) Residential amenity impacts for existing and proposed residents.

(v) Provision of affordable housing.

(vi) Highway/pedestrian safety.

(vii) Provision for children’s play.

(viii) Provision of infrastructure through developer contributions/infrastructure capacity.

(ix) Land quality as a planning consideration.

(x) Impact on ecology.

(xi) Drainage.

(i) The sustainability of housing provision on this scale in Hulland Ward and relationship with Local Plan process

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

The major settlements are intrinsically the most sustainable locations in which to live, with their access to jobs and services. Whilst it is anticipated that they will accommodate the majority of housing growth, it is considered that some housing growth could be met in and around the larger villages, and indeed is desirable in underpinning their sustainability, services and infrastructure.

Hulland Ward has some 340 houses in the village and its immediate hinterland. In terms of facilities it has a primary school, shop, community hall, two public houses and a GP Surgery. It has good transport links with Ashbourne along the A517 with residents being able to readily access the full range of services and employment. A bus service operates six days a week, although this is less than hourly between 8 am and 6 pm on weekdays. It is estimated that there are 6 to 10 employment generating premises providing employment within the village. However, there are no strategically important or major employment sites
within or adjacent to the village. The major employment site at Aggregate Industries off Smith Hall Lane, Hulland Ward is within a 5 minute drive.

In this context it is considered that some modest expansion of the settlement can be accommodated within the village’s existing infrastructure although most people would still need to travel to access employment and services.

The provision of up to 33 houses would represent an approximate 10% increase in the scale of the village. Residents are understandably concerned about how this development might be combined with a planning application (ref: 14/00698/OUT), which is currently at appeal for 48 dwellinghouses on an adjacent site on land off Wheeldon Way. If the appeal was allowed, and planning permission were granted for this site off Biggin View, this would increase the number of potential properties to some 81 dwellings, or some 24% when added to this application.

However, it does not necessarily follow that support for this planning application would lead to support for the appeal scheme or any later schemes. Although ideally all sites would have gone through Local Plan assessment prior to submission, the early stage of the plan means that delaying consideration until all come forward is not a viable planning stance to take and would be contrary to government guidance on this matter.

Overall, in terms of the nature of Hulland Ward, and in the context of the housing needs identified for the District, it is considered that the proposed development, even if the appeal for 48 dwellings were to be also allowed, would not overwhelm the existing facilities. The residents of new houses would be able to access facilities in the village through existing footpath links and potentially add further support to such local facilities.

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

As with any rural village, an important component part of its character is its landscape setting. The District Council, as part of its work on the emerging Local Plan, has commissioned an independent strategic landscape sensitivity study. The result of this identifies the landscape setting of Hulland Ward as being of high sensitivity, with one moderate sized site of medium landscape sensitivity (the eastern field of the application site and the land off Wheeldon Way). However, this is a study at strategic level and does not consider the sensitivity of the landscape at site specific level where, upon closer examination, local differences may lead to a revision/adjustment in the assessment. Therefore, in principle, the site is considered to have capacity to accommodate development in the area proposed without significant impact on landscape character.

The development breaks beyond a well-established limit to the village and will undoubtedly cause some harm to the current setting of the village and character and appearance of the countryside. However, this is an inevitable consequence of meeting housing needs across the District, as the level of need can clearly not be met within existing Settlement Framework boundaries.

The indicative layout proposed by the applicant does not serve to promote the development too well as a physical entity. Thought needs to be given to what constitutes the character of this part of the village in the submission of the reserved matters application and how the development can best integrate with the contours of the site.
The access into Biggin View is one of a completely different character area to that experienced at Firs Avenue into the core residential area of the settlement. The area along the A517 stretching from the village westwards up to Biggin View is one of more linear ribbon development. The application site actually sits in a fringe location between the more rural and sporadic buildings to the western side of the village and the more regimented, suburban type of residential development to the east.

In this regard, the proposed illustrative development would appear as a similar, suburban regimented form (but of two storey scale) aligning the contours to the site. It is considered that this could be improved upon with a more ‘organic’ form of development, where the development creates a sense of place in its own right and which contributes to the visual interrelationship between the Village Hall, Church and sporadic rural buildings with the regimented, ‘suburban’ residential development to the east.

It is also important to recognise how the development will be perceived in the landscape. From the A517, the development would appear as a continuation of the ribbon development on which much of the settlement was founded. With the rise in land from the A517 along Biggin View, and then the fall of the land beyond Biggin View, little of the scale of the development is likely to be appreciated from the main road, little more so than may currently be experienced on the southern side of the A517.

In views from the north, the development would be read in context with the existing settlement and would not necessarily appear out of context in these more distant views. It would be partially screened and interlaced with hedgerows and trees retained on the site and, in the form of a ‘hamlet,’ could acts as a foil between the rural western area and suburban eastern area within which it would be located.

It is important that existing hedgerows and hedgerow trees are retained and that the western boundary the hedgerow should be strengthened with additional planting, including trees, in order to create a visual screen/filter and mitigate potential adverse impact on the wider landscape on this side. The applicant has advised that they are willing to form a 3m wide boundary hedge, with trees planted roughly 5m apart, to create a more substantive western field boundary representative of the ones to be found in the immediate landscape. Such a hedgerow would also need to be outside of domestic curtilage, and separately managed, in order to retain its integrity and to allow for its effective long term management. This would be the case for other hedgerows proposed to be retained. On this basis, it is considered that residential development can be provided without significant harm to the landscape surrounding the village.

(iii) The impact on heritage assets and their setting
Christ Church to the west and Hulland Grange to the north of the site are Grade II listed buildings. The impact of the proposed development on these heritage assets need to be assessed in reaching a planning judgement. Even where there is a strong presumption in favour of development in the absence of a 5 year housing supply, the requirements of Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, places a statutory requirement on the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Whilst it is recognised that impact on heritage assets can be a very important consideration in balancing the merits of development, the relative distance between the site and the Church and Hulland Grange, with intervening fields and hedgerows and with
proposed landscaping along the western field boundary, mean that there is no harm to the setting of these buildings. Nevertheless, and as detailed above, further consideration needs to be given to the site layout in order that it has a less rigid and geo-metrical appearance, giving the appearance more of an evolved rural hamlet rather than an encroachment of the rigidity of layout found with the newer, more suburban development within the village.

(iv) Residential amenity impacts for existing and proposed residents
Concerns have been raised with regard to the proximity of the proposed development to existing dwellings. However, it is considered that reasonable distances can be achieved between existing and proposed dwelling houses to provide adequate privacy and outlook; this would need to be addressed in considering the layout and nature of the dwelling houses proposed as reserved matters.

Certain levels of inconvenience are often caused with the construction process. However, conditions can be attached to restrict the times in the week when the building works can be undertaken, as is commonly required for such developments.

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

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

The emerging Local Plan, in light of the above rather than differentiating between the major settlements and villages, is likely to base the requirement for affordable housing on sites on their size rather than location, thereby securing the strategic objective for the District. The work done on the withdrawn emerging Local Plan underpinned with research on need and viability, had a draft policy which sought 45% provision on a scheme of this scale. In the absence of any more compelling or up to date evidence to the contrary, it is considered appropriate to apply this threshold.

The District Council’s Head of Housing has asked for 8 affordable dwelling units to be delivered on site, which is a reflection of current knowledge on Parish needs. The mix of units should reflect the need from smaller households and specific rural housing need that is not currently catered for in the village; predominantly 2 bed houses but to also include 2 x 1 bed 2 person flats, 2 x 2 bed bungalows (the bungalows meeting the lifetime homes standard).

This is obviously well short of the 45% requirement of policy. However at this moment in time it is considered that this meets known needs for the Parish but, having regard to the strategic objective on affordable housing, an off-site financial contribution based on 6.25 of the houses is also sought to facilitate the funding of affordable units in the future. This contribution should fund the remaining percentage of units to bring provision up to 45%.
This is considered an appropriate and pragmatic response to deliver affordable housing in the current circumstances.

(vi) **Highway/ Pedestrian Safety**
The Local Highway Authority has considered the application and advised of no objection in principle. It has advised that the future layout of the site should not preclude access by buses and should accord with the ‘Manual for Streets;’ such matters can be addressed with the reserved matters application.

It is advised that as the majority of the dwellinghouses to be served off the current access to Biggin View would be on the application site, that a T-junction is now placed on Biggin View where it would join the new road which is proposed.

The Local Highway Authority has advised that it does not agree with every detail of the applicant's Transport Assessment, but does not consider that there is an evidence base to suggest that the development would have a significant effect on capacity or safety of the local road network. It is also stated that there is certainly no data that would support a reason for refusal of planning permission on the basis that the development would cause severe harm to the highway network.

In this respect, the Local Highway Authority has requested conditions be attached to any grant of planning permission with respect to matters during construction, reprioritising the junction with Biggin View, details of the internal street layout, road construction details and gradients, dispersal of surface water, parking space provision and prevention of garage spaces being lost, facilities for refuse collection and visibility splays to private driveways.

(vii) **Provision for children's play**
Under Adopted Local Plan Policy L6, a development of this scale should include open space and an equipped play area to meet the needs of future resident's children. The illustrative proposal for the site, with the area of open space identified, would suggest locating the play area in the north eastern part of the site, albeit this would need to be appraised with the reserved matters application. The incorporation of an appropriate open space to be utilised by residents and other village children can be viewed as a positive outcome of the development if permission is granted.

(viii) **Provision of infrastructure through developer contributions/infrastructure capacity**
The public comment on this application expresses concern about how this development will impact on existing infrastructure. The concerns cover matters such as education but also extend into other areas associated with the capacity of the village to cope with expansion. In relation to education the County Council have been consulted on this application. They have provided detailed comments on both the primary schools and secondary school capacity and have advised that there is no requirement for financial contribution towards extra school places.

In terms of the other facilities and infrastructure, such as the shop, public houses, doctor's practice, etc. development can help to sustain or improve existing facilities and assist with their future viability. It is not considered that the increase in the level of housing and resultant population could not be absorbed in this respect.

(ix) **Land quality as a planning consideration**
The agricultural land quality is defined as Grade 4. Policy SF6 states that planning permission should not be granted on Grade 1, 2 and 3a land unless there are overriding
benefits resulting from the development that would outweigh the harm caused to the best and most versatile agricultural land. In this regard, given the Grade 4 land quality, this is not seen as a limitation to the site development.

(x) Impact on Ecology
The public comment expresses concern over the impact on wildlife. The applicant has submitted an ecology report with the application which has been independently assessed by Derbyshire Wildlife Trust (DWT). They have raised no major concerns but have requested a condition that mitigation and enhancement measures are included in an Ecological Mitigation and Enhancement Plan to be approved prior to any work commencing on site. DWT has advised that they do not support the inclusion of the existing hedges as garden boundaries as this can impact on their management and maintenance. It is considered that this could be required at the reserved matters stage of the application given that the layout is illustrative and that such a Plan would need to be specific to the submitted proposals.

(xi) Drainage
It is advised that Hulland Ward is on a high water table, with numerous springs and the land does not drain properly. The applicant has advised that they intend to drain the site in accordance with SuDS criteria. To achieve this a balancing pond is to hold back surface water flows in times of heavy rainfall with the suggestion that this will then discharge to a culverted watercourse under the southern field. Derbyshire County Council as Land Drainage Authority have been consulted on these proposals and their comments will be reported to the Planning Committee prior to the determination of the planning application.

It is advised in the representations that the sewage treatment works is having the system upgraded due to inefficiency. In this respect, no comments have been received from Severn Trent Water and the applicant, should planning permission be granted, would need to provide appropriate sewage facilities; this is not a substantive reason to withhold a grant of planning permission.

3. The Planning Balance
Part 1 of this ‘Issues’ section set out the Local and National Policy Guidance that apply in assessing the merits of this application and the other material considerations that need to weigh in the planning balance.

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

In the absence of a 5 year housing land supply the guidance in paragraph 49 of the NPPF is clear that the housing policies of the Local Plan are out of date. Accordingly, both Policies H4 and SF4 carry no weight in the consideration of this substantial housing application immediately adjoining the settlement boundary and the Council are directed to paragraph 14 of the NPPF in particular and the framework as a whole, to reach a balanced judgement on the merits of an application.
Paragraph 14 requires the decision maker in assessing the merits of an application to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Inspector on the recent appeal decision at Asker Lane approached this balancing exercise by weighing the benefits and adverse impacts in terms of the three dimensions of sustainability, namely economic, social and environmental. It seems entirely logical to approach this scheme in the same manner.

As described above the Council has a shortfall in housing land supply and the proposed development will make an important contribution to meeting the shortfall in supply, which lends substantial weight to supporting the scheme. The provision of affordable housing to meet current Parish needs, and also to meet future needs through an offsite contribution in line with policy, also has to be given significant weight even though it merely aligns with development plan policy.

The social dimension would be served by the provision of an open space and play equipment available to the development and other village residents. This social benefit has only limited weight. In regard to other community infrastructure, the development will help to underpin the school and other community facilities without, it is considered, leading to them being overburdened. DCC has not identified that such a development would place pressure on school place provision. The economic dimension would be served by employment generated during construction and by a benefit to businesses within the village from additional resident spend.

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

The development of this site will have an adverse impact on the character and appearance of the countryside. However, the Council have to release green fields to meet housing need and so all such developments have an impact. The development has been scaled back from its initial proposal to also develop the field to the west and, as a result and given the lesser sensitivity of the central and eastern fields, the overall harm to the character and appearance of the countryside is not considered substantial.

The environmental impacts also need to have regard to consequence for heritage assets. National legislation protects their significance which includes safeguarding their setting as well as safeguarding the asset itself. However, the applicant has contained the development to the central and eastern field, between Dog Lane and Biggin View, to overcome the potential for impact on this setting. It is considered that, as the site is set away from the listed Church, with the intervening field and the proposed improvements to the boundary hedge, and with an appropriately designed development, it will not result in harm to the setting of heritage assets. This is therefore neutral in environmental terms.

Flora and fauna around the site will be affected to some degree with the loss of hedgerow but with appropriate replanting, supplementary planting and management and biodiversity management of the balancing pond, it is considered that this impact is essentially neutral.
In highway terms it is considered that the development can be acceptably served by access from the A517 and Biggin View. There is also pavement access to the village. Overall, in highway/pedestrian safety terms, the outcome is considered a neutral one.

When all of the above matters are weighed in the balance, although the expansion of Hulland Ward to meet District’s housing needs has adverse environmental credentials, in terms of reliance on the private car to access jobs and wider services and some harm to the character and appearance of the countryside, these impacts are outweighed by the substantial benefits of the housing to meet identified needs and also offset by the economic benefits to local businesses of additional spending power which will help enhance their viability.

Whilst Hulland Ward would not be a suitable location for unrestrained housing growth, the proposal, which represents almost a 10% growth in village properties, is considered to be acceptable. As the adverse impact of granting planning permission does not significantly and demonstrably outweigh the benefits, the presumption in favour of granting planning permission enshrined in paragraph 14 of the NPPF applies.

OFFICER RECOMMENDATION:
That subject to the completion of a Section 106 Planning Obligation Agreement to secure 8 affordable dwellings on site and an offsite contribution to make up provision to the equivalent of 45% and subject to conditions covering the following matters:

1. Application for reserved matters to be made within 3 years
2. An application for details of the reserved matters to be submitted and approved before the commencement of works.
3. No development to be commenced until temporary access for construction created.
4. Details of the provision of space for storage of materials, contractors vehicles, unloading areas, etc.
5. Details of reprioritising Biggin View and associated works
6. Reinstatement of the highway margin once the permanent access is provided
7. Provision of wheel cleaning facilities.
8. Reserved matters application shall include details of internal layout to comply with “Manual for Streets” and 6C’s design document.
9. The estate streets shall be laid out prior to occupation of each dwelling.
10. The premises shall not be occupied until individual manoeuvring and parking facilities have been provided for each dwelling within curtilage as appropriate.
11. Provision of bin stores on private land.
12. Visibility splays for private driveways.
13. No garages and parking space to be used other than for parking.

15. Scheme for surface water drainage system to be submitted and agreed.

16. Time restrictions for on-site operations during construction.

17. Development to be carried out in accordance with the Ecological Appraisal.

18. A scheme for the laying and, landscaping and future management of play areas and open spaces shall 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.

20. An ecological mitigation and enhancement plan to be approved prior to any work commencing on site.

21. Drainage Conditions as may be required
THE SITE AND SURROUNDINGS:
The site is part of an agricultural field used for pasture in open countryside close to the hamlet of Sturston to the east of Ashbourne. The field is located next to Nether Farm and benefits from a separate access off Mill Lane and track which forks off towards a recently constructed agricultural storage building which sits close to the road. It is bounded (east and west) by low and partially fragmented hedgerows with occasional hedgerow trees and falls gently towards the Henmore Brook to the north where there are belts of trees associated with the water course. Mill Lane is a single track road with good hedges to either side. It is an isolated site, low lying within the surrounding landscape. Views to it from the south are substantially screened by the landform and roadside hedges. There are no public rights of way through the fields to east and west where views would be more open becoming increasingly filtered by hedgerows and trees with increasing distance from the site. To the north there are views from high ground associated with the lane running eastwards from Ashbourne Green particularly from property at Offcote Grange.

The site is located outside of the Henmore Brook floodplain.

THE APPLICATION:
This application follows the withdrawal of a similar application for three round houses on the neighbouring field. The roundhouses have been relocated so that they are more closely associated with the farm buildings at Nether Farm.

It is proposed to erect three holiday units (timber round houses with bathroom extensions) within the central part of the field immediately adjacent Nether Farm, to the east. The roundhouses will be freestanding units. The exterior walls will be faced in natural sawn Larch and the pitched roofs in armourglass shingle. They will each have an external diameter of 5.5m and will be no higher than 3.4m. Immediately surrounding the round houses will be a gravel margin designed to allow the discharge of rainwater into the ground and access for maintenance. The applicant advises in their Design and Access Statement that the design of the holiday let units is inspired by traditional construction of roundhouses and the more recent trend towards Mongolian Yurts, but unlike the yurt the bathroom extension removes the need for an additional shower and toilet block to be constructed.

There will be a substantial amount of new planting undertaken to help assimilate the development within the landscape. The roundhouses will be sited around a central area of woodland around which a geogrid / grasscrete pathway will be formed, which will continue in a southerly direction towards a parking area (for up to 7 vehicles) and an access road linking it to an existing farm track. Further pockets of woodland planting is proposed within the site to screen the development. Access will be via the existing field access. Some modifications, including the setting back of approximately 22m of established roadside hedgerow is required to provide an appropriate level of visibility onto Mill Lane.

In support of the application the applicant makes reference to the holiday lets supplementing their income derived from farming. They also advise that there is a demand for self catering ‘glamping’ accommodation in the area. Reference is also made to the sites
proximity to Ashbourne, some 1 mile away, which they advise can be accessed by foot, bike and public transport.

RELEVANT HISTORY:
15/00332/FUL Erection of three holiday let units Withdrawn.

CONSULTATIONS:
Town Council:
No objections.

Local Highway Authority:
Mill Lane (NC) is a single width, unclassified highway and claimed route number 29 set in a rural location with perceived low vehicle volumes. Vehicle speeds are also perceived to be low (approximately 15mph) due to the restricted width and geometry of the highway.

Based on perceived vehicle speeds of 15mph, exit visibility splays measuring 2.4m x 22m should be achievable in both directions which the applicant has demonstrated are achievable (subject to the relocation of the hedge in the trailing direction).

From a parking viewpoint, the 7 spaces should be acceptable from a highway viewpoint for the proposed 3 holiday accommodation units.

Although not demonstrated, a temporary refuse collection area should be created near to the highway boundary (but within private land) for use on collection days only.

There are no objections to the proposed development, therefore, subject to conditions.

REPRESENTATIONS:
None.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
SF4 Development in the Countryside
SF5 Design and Appearance of Development
EDT14 Farm Diversification
EDT19 Tourist Accommodation Outside Defined Settlement Frameworks
NBE8 Landscape Character
NBE26 Landscape Design in Association with New Development
TR1 Access Requirements and the Impact of New Development
TR8 Parking Requirements for New Development

Other:
The National Planning Policy Framework (2012)

ISSUES:
1. The site lies approximately 1 mile to the east of Ashbourne Town Centre, within the countryside. Local Plan Policy SF4 is generally supportive of development in the countryside that represents the acceptable re-use, adaptation or extension of
existing rural buildings and that assists the growth of tourism. Such development must, however, be appropriate in nature and scale to a rural area, preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment.

2. The preamble to Policy EDT19 states that the District Council will give preference to proposals that support sustainable rural tourism, that do not harm the open character and appearance of the countryside and that are accessible, preferably by a variety of transport modes. These provisions are echoed in the National Planning Policy Framework. However, Policy EDT19 states that, outside of defined Settlement Framework boundaries, new tourist accommodation will only be permitted if it involves the re-use, adaptation or change of use of buildings of permanent and substantial construction which make a positive contribution to the character and appearance of the surroundings. The policy does not permit the erection of new buildings for such purposes.

3. The NPPF advises, that in supporting a prosperous rural economy, that planning policies should support ‘sustainable’ rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres (paragraph 28). It is considered that the above Policies of the adopted Local Plan remain relevant as, whilst they are different in wording, they broadly reflect the approach of the policies of the NPPF.

4. As reference is made to the units of holiday accommodation supplementing the income derived from farming the land, regard also needs to be given to Policy EDT14 ‘Farm Diversification’ of the Adopted Derbyshire Dales Local Plan which states planning permission will be granted for proposals to diversify the operation of an existing agricultural operation provided that; (a) it makes full and effective use of existing on-holding buildings in preference to the construction of new buildings and; (b) it does not have an adverse impact upon the character and appearance of the immediate or wider landscape.

5. Having regard to location of the site the aforementioned policies of the development plan, national guidance, the comments from the statutory consultees and the information which accompanies the application, it is considered that the main issues to assess in the consideration of this application are:

   a) is the site an appropriate location for new build holiday units, in terms of its accessibility by a variety of transport modes and proximity to service and facilities and tourist attractions? and;
   b) the impact of the development on the character and appearance of this part of the countryside / local landscape character.

6. The Local Highway Authority are satisfied that a safe means of access onto Mill Lane can be achieved and that the development would be served by an appropriate level of parking.

The appropriateness of the location
7. The field is situated off Mill Lane, a narrow country lane off the A517 (Belper Road) a major route into the centre of Ashbourne which is approximately 1 mile to the west. The applicant advises that it takes 10 - 15 minutes to walk to the nearest services and facilities available within the town centre and 5 minutes by bike. The lack of dedicated footways along Mill Lane and public footpaths linking the site to the town, however, is such that visitors to the site would be unlikely to walk or cycle to access those services and facilities. Notwithstanding the proximity of bus stops along Belper Road, it is likely that most journeys to and from the site will be private motor vehicle given the lack of infrastructure necessary to make the fullest possible use of public transport, walking and cycling (a core aim of the NPPF) and distance involved. The erection of new build holiday lets in this location is not considered to be appropriate for this reason. It would constitute an unsustainable and encroaching form of the development that would be contrary to policies SF4 and EDT19 of the Adopted Derbyshire Dales Local Plan and guidance contained within the NPPF.

**Impact on the character and appearance of the countryside and local landscape**

8. The site is currently an open field, next to a group of farm buildings. The proposed buildings and associated infrastructure, though modest in scale, are not of traditional design and will be alien within the landscape. The level / extent of supplementary landscaping required to filter views of the development highlights this. The pockets of woodland and shrubs will, however, effectively screen the holiday lets and associated infrastructure in the medium to long term. Their close association with the farm buildings at Nether Farm is such that no significant adverse impact on the local landscape would result.

9. Notwithstanding the above, the development given the lack of infrastructure necessary to make the fullest possible use of public transport, walking and cycling and distance from basic services and facilities constitute an inherently unsustainable and encroaching form of development that would be intrinsically harmful to the character and appearance of this part of the countryside. It is recommended that the application be refused for this reason.

**OFFICER RECOMMENDATION:**
Planning permission be refused for the following reason:

1. The erection of three new build holiday lets on the site would, given the lack of infrastructure necessary to make the fullest possible use of public transport, walking and cycling and distance from basic services and facilities constitute an inherently unsustainable and encroaching form of development that would be intrinsically harmful to the character and appearance of this part of the countryside contrary to the aims of Policies SF4 and EDT19 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

**Footnote:**

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis, the requirement to engage in a positive
and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This Decision Notice relates to the following documents:
1:1250 Scale Site Location Plan;
Document Titled Design and Access Statement;
1:250 and 1:100 Scale Proposed Site Layout and Round House Elevations Plan numbered 1510-PL1-04 Rev A;
NTS Highway Entrance Details;
1:500 Scale Proposed Block Plan numbered 1510-PL1-05, and
1:1000 Plan Titled Visual Assessment numbered 1510-PL1-02 Rev A received by the District Council on the 12th August 2015.
15/00573/FUL

Town End Farm, Chapel Lane, Clifton
THE SITE AND SURROUNDINGS:
The application concerns a 0.6 hectare parcel of land at Town End Farm at the southern end of Clifton village. The site is bordered by housing to the north and east, with the latter across Chapel Lane. To the south is the village cemetery and to the west is rising agricultural land and Clifton Cricket Club. Fencing, some hedges and trees enclose the site boundaries. Access is currently via a gated driveway leading to a yard area with brick and timber buildings. The majority of the site is covered in rough grassland. The application site includes a semi-detached dwelling fronting Chapel Lane. An open watercourse borders the gardens of dwellings to the east of the lane. The site’s eastern boundary to the lane is a short steep bank with hedgerow; trees within this area are covered by a Tree Preservation Order.

THE APPLICATION:
Planning permission is sought to erect 5 dwellings on the site. The details of the scheme are as follows:

Plots 3 and 4
It is proposed that two semi-detached two-story dwellings would be located to the south of the existing outbuildings fronting onto Chapel Lane. Access to these dwellings would be immediately to the front of each dwelling, with two parking spaces for each. The dwellings would have a gable roof and to the frontage would have an exposed oak framed porch running along the length of the buildings. To the rear each dwelling would have a single storey lean to running along the length of the buildings. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls. It is also intended that there would be solar panels on the rear roof slope. These are 3 bedroom dwellings.

The main access to the site would be to the south of these dwellings.

Plot 5
To the south of the access would be a detached dwelling which would front onto the cul-de-sac. Parking would be to the south side and front of the dwelling and within the integral garage. The centre of the building would be a front facing elevated gable with side facing gables coming off from this for the garage to the north and living area to the south with external chimney detail and associated glazed feature to the upper floor. This would be a three bedroom dwelling. The dwelling on this plot has been sited so as to avoid the protected trees along the eastern boundary. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.
Plot 1
The parking to this plot would be to the east of the dwelling and in the detached garage. This is a large two storey dwelling with 4 bedrooms and internal double height spaces. The design of this dwelling appears to represent a barn conversion, with gabled roof, elongated form, narrow vertical glazing, glazed entrance area and large glazed areas to the rear elevations. An external chimney is proposed along with some high level windows and roof lights. This plot would be located to the end of the cul-de-sac and forms an ‘L’ shape with large garden area. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.

Plot 2
This would face plot 5 with access and parking to the detached garage to the north of the dwelling. This is a large two storey detached dwelling with four bedrooms and with the central elevated part of the dwelling having a hipped roof with gabled projections. This dwelling has the appearance of a barn conversion/dwelling with external chimney, large glazed entrance area, roof lights and more domestic windows with a horizontal emphasis and double height internal space. The materials are intended to be clay tiles to the roof with aluminium powder coated windows and red brick walls.

A large area to the north west of the site is shown on the submitted plan to remain vacant.

The applicant has submitted a flood risk assessment which concludes that:
- Part of the site is within flood zone 1. Development will be restricted to this part of the site.
- The site is outside the influence of other identified external sources of flood risk.
- The development is classed as less vulnerable and therefore appropriate in accordance with National Planning Policy Technical guidance.
- A developer’s enquiry has been made to the water authority.

The applicant has submitted an extended phase 1 ecology survey report which concludes that:
- Several buildings on site have potential for roosting bats.
- The shelter due to be removed – low potential for bats.
- Mature sycamore trees to the north eastern boundary – low potential for bats.
- Bird boxes on the trees – low potential for bats.
- Bats may use the area to forage.
- No badger setts or evidence of activity.
- The hedgerow is suboptimal for dormouse.
- Nesting and foraging birds may use the buildings and trees, hedgerows.
- Grass and is a moderate habitat for common reptiles.
- Grassland is suitable habitat for great crested newt, however given the distance to the pond, the barriers of the road and stream this species is unlikely to be present.
  - Therefore there is the potential for harm to a number of species.

- Recommendations
- For bats:
  - An endoscope investigation of the shelter
Dusk and dawn transect should be undertaken around the site to record activity and species using the site. Further endoscope check of the bird boxes on the nearby trees Works should be carried out by a licensed bat worker.

- **Badger:**
  If any evidence of badgers is noted a survey would be required

- **Birds:**
  Any vegetation, tree, bird box or building removal should avoid the nesting season which runs from arch to August inclusive or be subject to a prior check by an ecologist.

- **Reptiles:**
  A reptile survey is required to be carried out between April and September If reptiles are present mitigation will be required, subject to the size of the population.

The applicant’s agent has submitted an affordable housing statement which makes the following key point:

- The applicant wishes to ensure the development benefits the community.
- Two houses would be managed so as to ensure they provide low rent properties for local residents with children who will help sustain the local school, in consultation with the Parish Council. The applicant would enter into a legal agreement to ensure these houses remain available to local residents at a low rent.

The applicant’s agent has submitted a design and access statement which makes the following key points:

- This is a resubmission of a previously refused scheme which seeks to address the reasons for refusal

- Although the red line site area is the same the area taken up by the development has been reduced. This has two benefits; reducing the developed area and creating a clearer set of spaces, defining the fronts and rears of the houses more closely and forming clear building lines that respond more closely to the traditional pattern of development in Clifton.

- The council cannot demonstrate a 5 year housing supply and therefore policies H1, H4 and SF4 of the Adopted Derbyshire Dales Local Plan are out of date.

- The site is on the edge of the proposed settlement framework boundary, this is a sustainable location

- The key design drivers are as follows: reducing the size of the development plot, work around the tree protection areas to ensure the mature trees are retained, the redesigned houses have clear fronts and backs following the traditional pattern of the village, the community houses face the lane continuing the pattern of development along the lane.

- The layout is more structured than the previous scheme reinforcing the enclosure of the external space and more compact than the previous design. The landscaping of the access and driveway would be more rural in quality, improving the character of the scheme.

- Each house has been designed individually considering the tradition for steep pitched roofs. The elevations have been designed with symmetry and balance as a response to more traditional houses in the village

- The floor areas of the houses have been reduced from the previous scheme
RELEVANT HISTORY:
14/00138/FUL Erection of five dwellings - refused for the following reasons:

1. The proposed development will result in the creation of five dwelling houses in a location outside of any defined Settlement Framework Boundary, in the Adopted Derbyshire Dales Local Plan (2005). As such, the development would constitute an unwarranted and unsustainable encroachment into the countryside. In the absence of any overriding justification for the three open market houses, the proposal is contrary to Policies SF4 and H4 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).

2. The proposed development includes for the provision of two 'Community' houses to meet a stated specific need within the village. However, the provision of this housing is not supported by an appropriate local assessment of needs and no clear mechanism has been identified in the application to ensure the benefit of the dwellings will remain in perpetuity for local people in housing need. The absence of clear and robust mechanisms to both justify provision of the housing and retain the benefits of this housing for the community makes the proposals contrary to the aims of Policies SF4 and H13 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).

3. The proposed development by reason of its layout, design and the scale of the dwellings on plots 3, 4 and 5 would present a mix and design of housing that would be out of context and harmful to the prevailing local sense of place in this part of Clifton village. As such, the proposals are contrary to the aims of Policies SF4, SF5 and H9 of the Adopted Derbyshire Dales Local Plan (2005) and guidance within the National Planning Policy Framework (2012).

CONSULTATIONS:
Parish Council – No objections.
The ‘local housing needs survey’ that was carried out showed an overwhelming majority of those parishioners that responded were supportive of ‘low cost affordable housing’ for local young families.

Local Highway Authority –
The Highway Authority commented on similar proposals under application ref 14/00138 and raised no objections subject to recommended conditions. Whilst the proposals have been amended, the previous comments remain valid – with one exception.

The Highway Authority previously recommended the emerging visibility from the new access onto Chapel Lane be maximised by clearing the entire frontage for the initial 2.4m. This would result in all fronting vegetation including some well-established trees being removed. Given the extremely low vehicle volumes and speeds on Chapel Lane (passing speeds estimated to be 15mph), current guidance allows the Highway Authority to accept reduced visibility splays of 2.4m x 18m in both directions. These splays should be achieved from the proposed central access and the individual accesses serving the semidetached dwellings. These splays should be illustrated on a revised drawing and submitted for approval before any works commence on site. Whilst these splays are less than the 42m the applicant illustrates
on drawing number Master/DWG/0114123, these splays are measured to the opposite carriageway edge which is incorrect.

Therefore, all previously recommended conditions and notes within my letter dated 4 April 2014 remain valid apart from Condition No 3. which would be re-worded to require the submission of an amended plan showing a 2.4 x 18m splay.

Derbyshire County Council Flood Team –
- Conditions will be required to ensure sustainable drainage systems and appropriate ground investigations to support and inform the drainage system.
- No assessment has been made of the exceedance flood flow pathways to demonstrate the impact on the development during extreme rainfall.
- Clarification of the responsibility for the maintenance of the drainage system would be required.
- Detailed conditions are recommended.

Environment Agency – No objections subject to conditions

Development Control Archaeologist –
The proposal site is some way outside the likely medieval core of Clifton, which lies around the church some 250m to the north-west. The place name ‘Town End Farm’ is a typical indicator of the extent of post medieval settlement spread along Chapel Lane, and it seems unlikely that any medieval or post-medieval settlement was located beyond the farm on the proposal site. Historic map evidence shows the proposal site within two larger fields during the 19th century: the ‘reverse-S’ curved boundaries of these fields (though not surviving in the landscape today) are indicative of a fossilised medieval strip system, which confirms that the proposal site lay outside the settlement limits and within the medieval open field.

There is consequently little or no potential for medieval or post-medieval archaeology on the proposal site, and because of its small size I advise that the background potential for earlier archaeology is very low. I therefore recommend that there is no need to place an archaeological requirement upon the applicant in this case.

REPRESENTATIONS:
None

POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development In The Countryside
   SF5: Design And Appearance Of Development
   H4: Housing Development Outside Settlement Framework Boundaries
   H9: Design And Appearance Of New Housing
   H11: Affordable Housing Within The Settlements Frameworks Of Other Settlements
   H12: Alternative Provision For Affordable Housing Outside Of Settlement Frameworks
   NBE5: Development Affecting Species Protected By Law Or Are Nationally Rare
   NBE8: Landscape Character
   NBE24: Archaeological Sites And Heritage Features
   NBE26: Landscape Design In Association With New Development
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development
2. National Planning Policy Framework  
3. National Planning Practice Guidance  
4. Derbyshire Dales District Council Supplementary Planning Document: Affordable Housing – Adopted July 2006

**ISSUES:**  
**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 indicative OAN figure
of 6500. The Council, even allowing for the recent granting of permission at Asker Lane in Matlock and on the assumption that Ashbourne Airfield and Leys Farm in Ashbourne and Bakers Lane in Doveridge will soon be issued as decisions, cannot currently demonstrate a supply of developable sites equivalent to five years plus 20% as required by the NPPF.

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

The Council received the decision on a housing appeal at Asker Lane, Matlock at the start of July. The Council sought to argue in this instance that the landscape harm outweighed the benefits of the scheme. The Council agreed with the appellants that they were unable to demonstrate a 5 year housing land supply and this remains the case. The Inspector concluded 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 dis-benefits against one another and only where those dis-benefits significantly and demonstrably outweigh the benefits reject the scheme.

The remainder of this report will analyse the scheme against this policy requirement taking into account other material planning considerations.

Principle of the development
Clifton is a village which has some services and facilities; there is a primary school a church and a Public House. Given the need for further housing in the District, new housing would preferably be sited in the most sustainable locations, i.e. the Market Towns. Given the extent of new housing required it is likely that development will also be required to be
located in the larger villages where there is a greater provision of services and facilities, for example, a school and village shop. In this case the village of Clifton is considered to be reasonably sustainable and therefore has the potential for some expansion due to the existing services and facilities within the village but also due to its proximity to Ashbourne. This site is nestled between existing houses to the north and east and the village cemetery to the south. The site therefore represents an acceptable consolidation of the village settlement. Therefore in terms of general principles the development of this site in the village of Clifton is suitable for housing development as a sustainable location. Given the need to provide additional housing within the district it is important to ensure that all land available for development is used efficiently and respects the prevailing character of the locality.

Character and Appearance
The prevailing character of Chapel Lane is of rows of smaller properties of cottage type design with gable detailing in close proximity to the street frontage with larger houses also dotted along Chapel Lane generally more set back from the highway. These larger houses generally have gabled roofs of rectangular form and are often of more modern design. The majority of housing whether large or small fronts onto Chapel Lane, the dwellings immediately opposite the site are at odds with this being side onto the road, but following the general appearance of dwellings within the locality. The layout and design of development in this case is at odds with that prevailing character.

Plots 1 and 2 are particularly large scale properties on large plots with an area of the land to the north western part of the site which appears to be left as open land without justification as to why this land would be vacant in the context of the development. As a result the proposed development does not appear to make best and most efficient use of the land available nor does the pattern of the proposed development fit with the prevailing character and appearance of the area.

In terms of design, the dwellings on site vary significantly from one another and from the design of dwellings within the locality. Plots 1 and 2 appear to be a hybrid between a dwelling and a barn with some glazed elements representing a barn but with external chimney stacks as you would see on a more modern dwelling. The design and scale of these dwellings is considered to be wholly inappropriate to the prevailing character and appearance of development in this location and harmful to the character and appearance of the area.

Plot 5 with its elevated central gable is also at odds with the prevailing character of rectangular shaped buildings with gable to the side elevations. Again this inappropriate design solution is considered harmful to the character and appearance of the area.

Plots 3 and 4 whilst of a design that is not wholly inappropriate, do not adequately reflect the character and appearance of the area. Cottages in this locality generally front the highway and have gablet details to the front elevations, as is seen in the adjacent cottages. In this case there is no precedent for the elongated porch detail with oak frame to the frontages of plots 3 and 4. Decorative chimneys are also apparent in this location and it would be anticipated that such design elements would be included in new developments.

The layout proposed which combines properties of substantially differing scales and designs does not result in a holistic form of development which contributes well to the prevailing pattern of the street scene or settlement.
Affordable Housing
The National Planning Policy Framework requires that where there is an identified need for affordable housing this should be met on site unless off site contribution can be justified. In this case the applicant’s propose the affordable housing to be managed by the applicant himself in consultation with the Parish Council to ensure local occupancy at a low level of rent.

In considering affordable housing across the district the local planning authority has to have regard to the latest evidence on the need for affordable housing where development is proposed out of areas that would have been considered for housing development in the Adopted Derbyshire Dales Local Plan. In this regard the evidence base prepared for the withdrawn local plan legitimised a policy which required 33% affordable housing provision on sites of 3 – 24 units on sites of 0.1 hectares or more.

It would be expected, in line with supplementary planning guidance which supports the policies of that local plan, that affordable housing when provided on-site, would be provided through a registered social landlord. This is to ensure such housing is retained and available to those in need of such housing in perpetuity. Alternatively, an off-site contribution would be made where necessary based on information from the Council’s strategic housing team. On this basis it is considered that as the on-site provision proposed would not be through a registered social landlord, the application fails to comply with the current established guidance of the Local Planning Authority with regard to providing affordable housing.

Highways
The Highway Authority is satisfied with the proposal in terms of highway safety. All that is required in regard to highway safety is an amended plan showing the visibility splay being set 2.4m back from the carriageway edge and to a point 18m from the access along with other standard conditions. This should ensure that the protected trees should not be adversely affected by the proposal whilst ensuring the best visibility. The proposal therefore meets the requirements of Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Trees
Subject to conditions regarding tree protection and the revised highway plan showing a reduced visibility splay, there is no reason why the development should cause any harm to the protected trees. The proposal therefore meets the requirements of Policy NBE6 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Drainage
In terms of the drainage of the site, the Derbyshire Flood Team have considered this and would require conditions be imposed should permission be granted to ensure appropriate drainage management and maintenance of the site in the long term. Subject to conditions the proposal is considered to be acceptable in terms of drainage.

Flooding
In line with the detail of the submitted Flood Risk Assessment, as the site is 1.5m above the level of the nearby watercourse the Environment Agency has no objection to the proposal on the grounds of flooding.
Conclusion

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

The golden thread running through the Framework is for development to be sustainable. As noted above there are three elements to sustainability, the economic, social and environmental roles. In terms of these roles the proposed development is considered as follows:

In terms of the economic role, this would be fulfilled in that the development itself would generate employment during construction and when occupied the additional housing would support existing businesses in the village and the surrounding area.

In terms of the social role of sustainability the inefficient use of land fails to meet the social role of sustainability in providing the supply of housing to meet the need. The need for housing supply across the district is high and therefore land that is available for new housing development needs to be used as efficiently as possible whilst recognising the distinctive character of development in this location. Furthermore the proposal has failed to meet the social element of sustainability in providing a supply of housing to meet the need. There is a need for affordable housing across the district and this development has failed to satisfy the criteria to meet this need.

The environmental role of sustainability requires the development to be acceptable in terms of protecting and enhancing the natural, built and historic environment. Good design is indivisible from good planning and is a key aspect of the environmental role of sustainability. In this regard there are concerns with regard to the impact of the development upon the character and appearance of the locality. The scale, form and design of the proposed dwellings are wholly inappropriate in this locality and contrary to the prevailing character and appearance of the area. As such the development will harm the prevailing character and appearance contrary to the core principles and Part 7 of the National Planning Policy Framework and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan.

These failures ‘in the round’ to satisfy the economic, social and environmental role of sustainable development are considered sufficient in this case to outweigh the benefits of providing for a further 5 dwellings to assist the shortfall in housing supply. The development therefore fails to meet the requirements of sustainability. The proposal therefore fails to meet the requirements of guidance contained within the National Planning Policy Framework.

OFFICER RECOMMENDATION:

To refuse planning permission for the following reasons:

1. The scale, layout, form and design of the proposed dwellings are wholly inappropriate in this locality and contrary to the prevailing character and appearance of the area. As such this incongruous development will harm the prevailing character and appearance of the locality, contrary to the core principles and Part 7 of the National Planning Policy Framework and Policies SF5 and H9 of the Adopted Derbyshire Dales Local Plan.
2. The proposed development includes for the provision of two ‘Community’ houses to meet a stated specific need within the village. However, the provision of this housing is not supported by a mechanism which has been identified in the application to ensure the benefit of the dwellings will remain in perpetuity for local people in housing need. The absence of a clear and robust mechanism for the management of the housing, to retain the benefits of this housing for the community, makes the proposals contrary to the aims of Derbyshire Dales District Council Supplementary Planning Document: Affordable Housing – Adopted July 2006 and guidance within the National Planning Policy Framework.

Footnotes:
1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. This decision notice relates to the following documents:
   Site layout no. 01 received 06.08.15
   Location plan no. 03 received 06.08.15
   Location plan with red edge
   Elevations plots 3 and 4 no. 02 Rev A received 06.08.15
   Floor plans plots 3 and 4 no. 01 Rev A received 06.08.15
   Elevation plot 5 no. 02 Rev A received 06.08.15
   Floor plans plot 5 no.01 Rev A received 06.08.15
   Elevation and section plot 5 no. 03 Rev A received 06.08.15
   Elevations plot 1 no. 03 Rev A received 06.08.15
   Elevations plot 1 no. 04 Rev A received 06.08.15
   Sections plot 1 no. 05 Rev A received 06.08.15
   Floor plan plot 1 no. 01 Rev A received 06.08.15
   Floor plan plot 1 no. 02 Rev A received 06.08.15
   Elevations plot 2 no. 02 Rev A received 06.08.15
   Floor plans plot 2 no. 01 Rev A received 06.08.15
   Sections and elevations no. 03 Rev A received 06.08.15
   Garage for plots 1 and 2 no. 01 Rev A received 06.08.15
   Design and access statement received 06.08.15
   Revised policy on affordable housing received 12.08.15
   Extended phase 1 ecological survey received 06.08.15
   Flood risk assessment received 06.08.15
15/00270/FUL

Land off Horse and Jockey Yard, Ashbourne

Derbyshire Dales DC

Date: 02/10/2015

100019785

Crown Copyright and database rights (2015) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3AH.
Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk

60
INTRODUCTION:
This planning application is being represented to the Planning Committee further to the
deferral of the application at the Planning Committee on 22nd July 2015. The applicant has
since entered into a dialogue with Officers, amended the drawings and prepared an
archaeological assessment to seek to address the previous reasons for refusal. This
Officers report has been amended to address the changes.

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 be 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. 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.

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 to the original proposals for the following reasons:
- 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
- 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 – No objection to the application given the additional information submitted.

REPRESENTATIONS:
One letter of representation from a Derbyshire resident with respect to the original submitted proposals. 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

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.

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 previous proposal followed the general alignment of the burgage plot, the development appeared overly long and linear. The proposed north/south buildings had a consistent and unbroken eaves and ridge-line, which was considered excessively elongated, and this long length of building then appeared fragmented by incremental development. There was no height differential to the proposed rooflines and it was expected that buildings within the burgage plot would follow the slope of the site and respect the scale and height of the existing buildings. The gable projecting into the courtyard was also considered inappropriate in the manner in which it impacted on the view of the listed building, to which the development is proposed to be attached, and the manner in which it intervened in the linearity of the plot.

However, the scheme has now been amended to introduce breaks in the elevations and changes in roof heights to introduce the sense of a series of attached buildings rather than one continuous and linear frontage; this is considered more respectful of the character and appearance of building found within the Conservation Area. The projecting gable has also been removed from the courtyard, thus opening up views of the courtyard and the rear of the adjoining listed building to a greater extent.

The ‘wings’ within the plot along the east-west alignment were considered 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 wing of the courtyard is largely as a means of disguising the extent of flat roof set between it and the pitched roof element aligning the southern boundary of the site. However, the applicant has amended the proposals in order that the northern wing is now the set on a return when entering the courtyard thus giving a sense of recess to this wing within the plot to give an improved definition to the burgage plot.

The long, shopfront window along the southern elevation, which was merely a blank window with a screen to the spa to the rear, has been significantly reduced and is a more honest feature of the building. This has reduced opportunity to set a significant number of advertisements within the window, which would have been detrimental to the character and appearance of the building had the longer window remained.

The shop front details have a traditional appearance. However, LED lighting is proposed to be set discreetly into the moulding of the shopfront to reduce the visual clutter that may otherwise be created with trough lights. Other areas that raise concern were the ‘floating’ pilaster bases, no recess to the doorways and flat fascias, cornices and corbel brackets; these have all been addressed in an appropriate manner. In this respect, it is considered that the development has significantly improved and addressed the concerns previously mentioned.
raised by Officers. It is also considered that concerns raised by the Conservation Advisory Forum have been adequately addressed to the point that this application can now be recommended for approval.

3. Archaeological Issues
The Development Control Archaeologist considered the application and 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 burgage 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 recommended that an archaeological field evaluation of the site by trial trenching, would be required, with the results submitted as part of the planning application. This has now been provided by the applicant to the satisfaction of the Development Control Archaeologist who has advised that there is no need for further archaeological work.

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
Given the extent of alteration made to the design and appearance of the proposed development, Officers consider that the development will now at least preserve the character and appearance of the Conservation Area. The archaeological matters have been addressed and it is now recommended that planning permission be granted subject to conditions with regard to the materials and detailing.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the original application documents and drawings except as required by the amended drawings received on 15\textsuperscript{th} and 17\textsuperscript{th} September 2015 and the archaeological evaluation received on 7\textsuperscript{th} September 2015 except as is otherwise required by other conditions to which this permission is subject.

3. Prior to the commencement of built development a detailed specification of materials and specific architectural components to incorporate the following information shall be submitted to and agreed in writing by the Local Planning Authority:

(a) all external wall and roofing materials;
(b) details and finish of the steel support column;
(c) details, materials, finish and colour of all windows and doors;
(d) paint colour of the shopfronts;
(e) details, material, finish and colour detail of rainwater goods; and
(f) details, materials and finish of any external vents/grilles.

The development shall thereafter be carried out in accordance with the approved details.

4. Condition DM17 Pointing Details

5. Condition DM12 Sample Panel to be Inspected on Site

6. Condition DM23 Design Details (External Fixtures)

7. Notwithstanding the details on the approved drawings, no development shall commence on site until details of the hard landscaping (including lighting) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

8. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives, and visitors, vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the construction period in accordance with the approved designs free from any impediment to their designated use.

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

Reasons

1. Reason ST02a

2. To define the permission

3-6. To ensure the satisfactory appearance of the development and to safeguard the setting and special historic character and appearance of the Grade II listed building, the character and appearance of the Ashbourne Conservation Area and to comply with government guidance contained in the National Planning Policy Framework and with Policies SF1, SF5, NBE16, NBE17, NBE21 and S6 of the Adopted Derbyshire Dales Local Plan (2005).

7. To ensure the satisfactory appearance of the development and to safeguard the setting and special historic character and appearance of the Grade II listed building, the character and appearance of the Ashbourne Conservation Area and to comply with government guidance contained in the National Planning Policy Framework and with Policies SF1, SF5, NBE16, NBE17, NBE21, NBE26 and S6 of the Adopted Derbyshire Dales Local Plan (2005).

8-9. Interests of highway safety and in the interest of amenity to comply with Policies SF1, SF5 and TR1 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the design of the development and archaeological matters.

2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

3. This decision notice relates to the following documents:

Site Location Plan 1:1250 received on 15th September 2015
Block Plan 1:500 received on 15th September 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 (2013) – P01C, 02C, 03C, 05B and 10B received on 17th September 2015
Archaeological Evaluation received on 7th September 2015.
15/00525/FUL CHANGE OF USE OF LAND TO 5MW SOLAR FARM WITH ASSOCIATED INFRASTRUCTURE AT HOLTWOOD FARM, YELT LANE, DOVERIDGE FOR LIGHTSOURCE SPV 89 LTD

Parish Council: Doveridge Date of receipt: 23.07.15
Application type: Full Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:
The site comprises agricultural fields covering an area of 11.3ha, down to permanent pasture, in open countryside, immediately to the north east of Holtwood Farm. The site lies within the Dove Valley just north of the River Dove. Doveridge Village is located to the north west. The site lies within a floodplain. Generally flat and low lying land extends on all sides particularly to the east and west along the meandering course of the river. In the north and south, at the edge of the floodplain which coincides with the routes of Derby Road and Moisty Lane, the topography becomes more undulating before rising more considerably. The fields concerned are part of an extensive patchwork of regular and irregularly shaped enclosures bounded by hedgerows with widely scattered hedgerow trees. Lines of trees, associated with the river and other water courses, along with small copses and blocks of woodland are also characteristic. Views through the landscape are heavily filtered by intervening vegetation.

Within the wider landscape are scattered farmsteads and small groups of farm workers’ cottages with occasional isolated, detached properties occupying sites on the higher ground to the north and on the edge of Marchington to the south. Brocksford Hall, a Grade II Listed Building is located 0.5km to the north.

The site lies approximately 250m to the east of a further 5MW solar farm at Twin Oaks which is currently pending consideration.

THE APPLICATION:
Planning permission is sought for the change of use of the land to a 5MW solar farm and associated infrastructure. It is proposed to site photo voltaic panels mounted on metal frames on the land, which will be arranged in rows and driven directly into the ground. The panels will cover approximately 25% of the 11.3ha site. There will be 4.15 metres between each row. The panels, which are of an anti-reflective material, will be set at an angle and orientated to the south with the high back edge being 2.3 metres and the low front edge being 0.8 metres above ground level. Associated development includes a substation, a communications building, composting toilet, inverters and transformers all of which will be housed in small buildings. In addition the site will be enclosed by a 2 metre high deer fence while a number of CCTV cameras will be mounted on 2.4 metre high poles at strategic locations. A new 4m wide access track of crushed stone will connect the development to Derby Road.

In terms of landscaping, all the existing site trees and hedgerows will be retained. Hedgerows in the north east and west will be managed with their height being allowed to increase to 3 metres. Gaps in the hedgerows are to be filled with native hedgerow plant species. A 5 metre buffer zone extending along the northern boundary and some of the eastern boundary will be planted with understorey species and additional hedgerow trees will be introduced within the northern and eastern boundary hedgerows. A new native species hedgerow will be planted along the southern boundary.
Grassland will be retained beneath the panels. This will either be grazed by sheep or cut in order to encourage a wider diversity of species.

The support planning, design and access statement advises that swales will be constructed to improve runoff and reduce flood risk on site.

The application is accompanied by detailed plans showing the layout of the panels and associated infrastructure and the following reports:

- Archaeological Desk Based Assessment
- Setting Impact Assessment
- Agricultural Land Classification Survey
- Construction, Decommissioning and Traffic Management Method Statement
- Statement of Community Involvement
- Biodiversity Management Plan
- Landscape and Visual Impact Assessment
- Transport Statement
- Ecological Assessment, and
- Flood Risk Assessment

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.

The applicant advises in an addendum submitted on the 28th August 2015 that the solar farm will be an economically viable for at least 30 years and permission is sought for a 30 year temporary period or for the life of the solar farm.

RELEVANT HISTORY:
None.

CONSULTATIONS:
Doveridge Parish Council:
No objections.

Local Highway Authority:
Raise no objections subject to appropriate conditions.

Environment Agency:
Object, on the basis that the submitted Flood Risk Assessment (FRA) did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular the FRA fails to demonstrate a) that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall and b) consider the flood risk resulting from the security fencing to be installed around the perimeter of the site and its potential impact in restricting floodplain flow and trapping debris.

Development Control Archaeologist
The site lies within the broad alluvial floodplain of the River Dove. Although this has experienced episodes of inundation and alluviation across the Holocene period, it is also associated with evidence for prehistoric and Romano-British activity. Of particular relevance is a site (HER 19135) 400m SW of the current application boundary, where prehistoric activity and Roman industry (ring ditch, gully, pits, field
system, two kilns and hearths) was recorded during installation of a gas pipeline during 2000. The archaeological features were dug into, and sealed by, alluvial silts, meaning that the site was not identifiable by cropmarks or surface artefacts. The same pipeline crossed the south-eastern corner of the current proposal site, with no finds or features identified, although away from the south-eastern corner the site has potential for the same types of archaeology recorded at HER 19135.

The key factor in consideration of potential development impacts is the likely depth of alluvium sealing archaeological levels. The applicant’s archaeological desk-based assessment suggests that features may be sealed deep beneath alluvium, beyond the likely disturbance depth of the development infrastructure. Alluvial depths in the Dove floodplain are likely to vary widely according to the sub-surface geo-archaeology. However, on the excavated site to the south-west, some archaeological features were visible on stripping of topsoil only, and the remainder became visible once only 0.10m of alluvium was removed. This suggests that the archaeological features lay only around 0.25-0.30m below the current ground surface, well within the likely disturbance depth associated with a solar farm development.

The applicant’s desk based assessment may therefore be incorrect in concluding that archaeology would be deeply sealed on this site. I therefore advise that the application does not meet the information requirements of NPPF para 128 in enabling us to understand archaeological significance and impact. A useful technique on this type of application is geophysical survey, in that it provides an economical and proportionate first stage of archaeological evaluation which is biased towards shallower deposits, and allows archaeological hotspots to be identified. This type of survey is likely to be effective on the current development site in identifying any major archaeological features which are not deeply buried.

I therefore recommend that the applicant should submit the results of a geophysical survey of the site (detailed magnetometry), fine-tuned for the particular soils, geology and likely depth of deposits.

Derbyshire Wildlife Trust

The Preliminary Ecological Assessment prepared by Avian Ecology has been informed by a desk study and an Extended Phase 1 Habitat Survey undertaken on 6th July 2015.

During the survey the presence of skylark was recorded and the report recognises that the fields may be suitable for this UK BAP ground-nesting priority species. We are of the view that the installation of the arrays would result in the displacement of ground-nesting priority bird species such as skylark and, as such, mitigation/compensation would be required in order to protect and promote the recovery of such species. We note that the PEA refers to two instances of ground nesting birds nesting between the arrays of solar farms but no indication has been given in terms of the species involved and until the results of further monitoring is available we remain unconvinced of the suitability of such sites for breeding skylark. However, we have considered the proposed layout and consider that, in this particular case, sufficient areas of open grassland have been provided within the layout design to provide suitable nesting opportunities for ground nesting bird species and mitigate any impacts. It is therefore important that this proposed layout is strictly adhered to.
As part of the preliminary ecological appraisal, a badger latrine containing fresh dung was identified along the eastern field boundary. A targeted badger survey was therefore carried out on 14th July 2015 to identify the level of badger activity associated with the site. The results of the targeted survey has informed appropriate amendments to the proposed layout of the arrays together with an appropriate Method Statement as set out in section 6 of the Confidential Report to avoid impacts upon badger setts. We would therefore advise that the development should be carried out in strict accordance with the proposed amended layout L.0361_13-C and the Method Statement provided in section 6 of the Confidential Badger Report prepared by Avian Ecology as a condition of any consent.

It is also recognised that the site provides suitable habitat for brown hare. We therefore support the proposed fencing design to allow mammals to continue to move freely across the site.

It is noted that native boundary hedgerows with some large trees are present on the eastern, western and northern boundaries and the proposal involves the planting of a new hedge on the southern boundary, the retention of the low hedge running through the middle of the site and the infilling and strengthening of the hedgerows on the eastern, western and northern boundaries, all of which are welcomed.

We fully support the implementation of Reasonable Avoidance Measures as detailed in Appendix 2 of the Preliminary Ecological Appraisal to avoid impacts upon amphibians, reptiles and small mammals which should be secured by a condition attached to any consent.

Overall, we are satisfied that provided the development is carried out in strict accordance with the Proposed Layout Rev4 Drawing no HLW_01_rev4 sufficient space should be available around the site boundaries to mitigate any impacts upon ground nesting bird species and should also provide benefits for biodiversity.

We support the measures included in the Biodiversity Management Plan prepared by Avian Ecology dated 14/08/2015 and, as such, advise that the development shall be carried out in strict accordance with the Biodiversity Management Plan prepared by Avian Ecology dated 14/08/2015 as a condition of any consent.

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 intruders. As sites of this nature 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. They make reference to recent incidents in the East Midlands, including sites in Derbyshire, highlighting how easy it is to steal solar panels without having substantial security measures in place.

REPRESENTATIONS:
None.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005):
SF4: Development in the Countryside
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 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.

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 and 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 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.

92% of the site is within land classified as Agricultural Land Grading 4 and the remainder of the site Agricultural Land Grading 3b. The site is therefore poor quality agricultural land according to Defra’s Land Grading Classification Guidance. 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 Desk Based Assessment, and Historic Environment Settings Impact Assessment (HESIA). Although the site lies to the north of Marchington no views of the site would be experienced from within the Conservation Area, due to the difference in land levels.

The nearest listed building is Brocksford Hall to the north. It is the only designated heritage asset likely to be affected by the proposed development. The applicant’s HESIA considers the potential impact of the proposed solar farm on the heritage assets/environment. The District Councils Conservation Officers have considered the HESIA and identified some flaws within it. In particular, views of the proposed development area have not, it is considered, been sufficiently considered & assessed from the gardens to the south of Brocksford Hall where the development will be seen through existing tree planting.

Having viewed the development from the raised garden terrace at the rear of Brocksford Hall and notwithstanding the conscious effort to borrow the wider landscape in views, given the nature and scale of the panels, their siting relative to this heritage asset and the topography of the site, it is not considered that its significance or setting would be compromised by the proposed development. It is agreed that supplementary landscaping will effectively filter views of the development when viewed in the context of the wider landscape through existing tree planting.
With regard to the impact on below ground archaeology, it was not considered that sufficient evaluation of shallow alluvial archaeological deposits was carried out. To address this the applicant has carried out a geophysical survey of the site, which does not show any hotspots / areas of interest and concludes that no further archaeological work is required.

The County Council Archaeologist agrees with the findings of the survey and advises that there is no archaeological objection to the development, however, recommends archaeological monitoring of development groundworks because of the Dove floodplain location and the ditched features on the site which may prove to be of archaeological or palaeo-environmental significance.

4. Impact on landscape character and appearance

A landscape appraisal - or landscape and visual impact assessment (LVIA) - is included as part of the planning application. It is used to assess the likely impact that the development will have on the landscape (landscape elements/features, landscape character) and the visual amenity of local residents and others passing through the landscape on the local highway and public rights of way system (which is illustrated in photographic illustrations of the view from 8 representative viewpoints within the surroundings). In doing so it takes into account the measures that the applicant proposes to take to mitigated any adverse impact envisaged as a result of the development. The cumulative impact that there might be in conjunction with 6 similar developments in the vicinity which are either approved or in the planning process is also considered.

The appraisal considers an area within 5 km radius of the site though it concentrates on a core area of within 2 km radius.

It concludes that “the proposed development is considered to be appropriate to the setting and landscape character of the site and offers suitable landscape mitigation measures in terms of visual amenity “. This is arrived at on the basis of:

- The site not being located within a specially designated landscape and with no specially designated landscapes within the immediate vicinity of the site or the 5 km radius of the study area.
- The development being of an appropriate scale, fitting well within the existing field structure and being visually well contained by existing and newly planted vegetation.
- The majority of the existing vegetation being retained and opportunities being taken to add additional planting resulting in a net increase of planting overall.
- Negligible losses of existing landscape features.
- Limited inter-visibility in the surrounding landscape, due to intervening vegetation and low lying topography, with the result that there is limited effect on local landscape character.
- Effects on visual amenity being restricted to residents in the immediate vicinity and limited due to intervening vegetation and the mitigation measures put in place.
- Cumulative impact being limited in scale resulting in negligible effect.
Though the solar farm will be an alien feature within the landscape it will occupy a limited area within the wider valley and be well contained by existing hedgerows, hedgerow trees and additional vegetation planted as part of the proposals. 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 minor adverse impact on landscape character as a result of the development.

The development will not be prominent within the wider landscape. Medium to long distance views to it will be heavily filtered by existing vegetation in the surrounding landscape. Closer views, particularly from residential properties on higher ground to the north and east, will be heavily filtered in the short term by existing vegetation and substantially screened in the medium to long term as existing hedgerows and new planting grow up. As such, there is likely to be no more than minor adverse impact on visual amenity as a result of development

5. Impact on Ecology

An Ecological Assessment prepared by Avian Ecology, informed by a desk study and an Extended Phase 1 Habitat Survey undertaken on 6th July 2015 looks generally at the implications of the development on habitat and species protected by law. As can be seen in the consultation response from Derbyshire Wildlife Trust the proposed development can be accommodated without detriment to protected species. The layout of the panels has been informed by a targeted badger survey, with enough space between to accommodate ground nesting birds. Additional supplementary landscaping and the strengthening of existing hedgerows will create new habitat and enhance biodiversity within the site.

6. Highway Safety

The Local Highway Authority do not consider that the proposed development raises any highway safety concerns. Notwithstanding that the application is accompanied by a Construction Traffic Management Plan, the occupants of nearby residential properties would not be inconvenienced by the installation. Access to the site is off a major road. Adequate visibility onto the highway can be achieved to accommodate the construction vehicles necessary to carry out the development.

7. Flood risk and Crime Prevention

The applicants flood risk consultants advises in response to the comments of the Environment Agency specifically relating to whether the development will be safe without increasing flood risk elsewhere that the FRA identifies that, during the 1:1000 year flood event, flood depths across the site will be between 0.4 and 0.7m deep. During the 1:20 year storm event, flood depths are a maximum of 0.36m. All the panels that are within Flood Zone 3 will be raised to a minimum of 1m above existing ground levels which will ensure a 300mm freeboard between the bottom edge of the panels and the flood level (in a 1:1000 year flood event). Across the remainder of the
site all other panels are set at a minimum of 0.8m above existing ground level. The site layout identifies that all control buildings and other sensitive equipment is located within Flood Zone 1. On this basis the applicant considers that they have demonstrated that the development will be “safe” and will not increase flood risk elsewhere.

Insofar as the safety of users of the development is concerned, the applicant points out that the development is not “occupied” and access to the panels will not be required in times of a flood event. If access to the control buildings is required in times of a flood event, these are all within Flood Zone 1 with access readily available without he need to cross Flood Zones 2 or 3. Accordingly, it is considered that the use of the development will be safe.

The applicant has noted the Environment Agency’s concerns regarding the possibility of the perimeter fencing trapping debris. It is proposed that the deer fencing be erected “upside down” and with a clear gap of 250mm at the bottom of the fence. This will reduce the risk of the fencing trapping debris to a negligible risk during the lifetime of the development (30 years). The fencing detail can be suitably conditioned to ensure that it is erected in the manner described thus ensuring that there is no unacceptable increase of flood risk in the surrounding area in consultation with the Environment Agency.

The remoteness of the site and limited access by motor vehicle is such that installation of CCTV and a perimeter fence is likely to provide an appropriate level of security in this case.

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 is only one issue that weighs against the development to some degree, 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 4 (with a small part of the site being 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 impacts on highway safety, heritage assets, flood risk 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 use of mainly 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:
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 30 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 30 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, full details of the perimeter fence and proposed location and colour treatment of the CCTV cameras to be erected on site shall be submitted to and approved in writing by the Local Planning Authority. The fence and cameras shall then be installed in accordance with the approved details and maintained throughout the lifetime of the development.

4. Other than the motion sensor 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 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
   iii. New hedgerow planting, hedgerow relocation and future hedgerow maintenance
   iv. Planting of site under and around the panels and subsequent maintenance

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 strict accordance with the Biodiversity Management Plan prepared by Avian Ecology dated 14/08/2015, proposed planting layout plan numbered L.0361_13-C and the Method Statement provided in section 6 of the Confidential Badger Report prepared by Avian Ecology.

8. Before any other operations are commenced the sites existing access to Derby Road shall be modified and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 215 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

9. No works shall commence until space has been laid out within the site to enable all construction traffic to enter, turn and exit the site in forward gear.

10. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

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. In the interests of mitigating flood risk and visual amenity 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 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).

10. 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. Construction works are likely to require Traffic Management and advice regarding procedures shall be sought from Dave Bailey, Traffic Management - telephone 01629 538686 prior to any works commencing.

5. Throughout the construction period vehicle wheel cleaning facilities shall be provided and retained within the site. All delivery 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.

6. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council’s website [http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp](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.

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

8. 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.

9. 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.

10. 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 with and 4.5m for swales over 2m in width to safeguard access for maintenance and inspection.

This Decision Notice relates to the following documents:
1:500 Scale Site Location Plan;
1:2500 Scale Site Layout and Planting Plans numbered L.0361_13-C and HLW_01_Rev 7;
Topographical Survey;
Mounting Frame and Panel Elevation Drawing;
Inverter, Transformer, Communications, Storage Shed, DNO Substation, Client Side Substation, CCTV Camera and Composting Toilet Elevations Plans;
Archaeological Desk-Based Assessment by CgMs Consulting;
Historic Environment Setting Impact Assessment by CgMs Consulting;

83
Agricultural Land Classification Survey;
Construction, Decommissioning and Traffic Management Method Statement;
Statement of Community Involvement;
Biodiversity Management Plan;
Transport Statement;
Preliminary Ecological Assessment;
Confidential Badger Report;
Landscape Appraisal by Pegasus Group, and
Flood Risk Assessment by PFA Consulting received by the District Council on the
23rd July and 17th August 2015, and;
Statement in response to the Environment Agency’s by PFA Consulting received by
the District Council on the 29th September 2015, and;
Archaeological Geophysical Survey by Bartlett-Clark Consultancy received by the
District Council on the 1st October 2015.
15/00527/FUL

Twin Oaks, Yelt Lane, Doveridge

Derbyshire Dales DC

Date: 05/10/2015

100019785
Parish Council: Doveridge
Application type: Full
Date of receipt: 23.07.15
Case Officer: Mr Chris Whitmore

**THE SITE AND SURROUNDINGS:**

The site comprises the better part of two agricultural fields (arable and pasture), in open countryside. It lies immediately south east of Twin Oaks. The northern, open, boundary is beyond a local ridgeline some 60 metres south of Derby Road (and its junction with Lower Street) at its nearest point from where the site extends southwards between Yelt Lane in the west and the Brocksford Brook in the east as far as the southernmost field boundary north west of Holtwood Cottages. The site lies close to the administrative boundary with East Staffordshire Borough.

The site is located 250m to the west of the proposed 5MW solar farm at Holtwood Farm, which is pending consideration.

The fields concerned are part of an extensive patchwork of regular and irregularly shaped parcels of land bounded by hedgerows with widely scattered hedgerow trees. Lines of trees, associated with the river and other water courses, along with small copses and blocks of woodland are also characteristic.

Most specifically, the site is characterised by a strongly growing field boundary hedge that runs alongside Yelt Lane in the west and a line of densely growing trees associated with the course of the Brocksford Brook which defines the eastern boundary.

Scattered farmsteads and small groups of farm workers’ cottages with occasional isolated, detached properties occupying sites on the higher ground to the north and on the edge of Marchington, where distant views of parts of the site are likely, feature within the wider landscape.

A public footpath traverses fields some distance removed from the site in the west and south west.

Overhead electricity cables are a feature of the site.

**THE APPLICATION:**

It is proposed to develop an area of 9.76 hectares as a solar farm. It will comprise photovoltaic panels mounted on metal frames which will be arranged in rows and driven directly into the ground. There will be 4.7 metres between each row. The panels, which are of an anti-reflective material, will be set at an angle and orientated to the south with the high back edge being no more than 2.25 metres above ground level. A single storage building in the north west corner of the site is required to house spare parts and maintenance equipment. This will measure approximately 2.5m by 6.5m and will be 2.9m high. The store will be finished green, although could be finished a different colour if necessary. Two inverters are also required to convert the direct current electricity output from the solar arrays into usable alternating current power. The inverter cabins are located along the western edge of the site to avoid potential surface water flooding. Two substations are also required - one operated by the DNO and one for the operator of the solar farm, termed the customer substation. The DNO substation is 6m by 3.4m in footprint and 2.9m high. The customer substation is 3.65m by 2.75m in footprint and also 2.9m high.
The grid connection will be made to the existing overhead power lines on site. The entire site will be enclosed by a 2.2 metre high deer fence with a number of CCTV cameras mounted on poles at strategic locations. A new access approximately 200m south of the junction between Yelt Lane and Lower Street will be created and a new metal gate erected. From this there will be an internal access track surfaced in crushed stone which will run alongside the western field boundary and a temporary construction compound formed close to the site access, which will be removed after the construction period.

There will be a construction period of 16 weeks following which the solar farm will be operational for 29 years. Upon decommissioning the site will be returned to agricultural use. No external lighting will be required other than temporarily during construction. Emergency lighting will be brought onto site only when required.

The application is accompanied by detailed plans showing the layout of the panels and associated infrastructure and the following reports: -

Landscape Appraisal
Preliminary Ecological Appraisal
Flood Risk Assessment
Archaeological and Cultural Heritage Desk-Based Assessment
Construction Traffic Management Plan and
Agricultural Land Classification

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:
Doveridge Parish Council:
No objections.

Local Highway Authority:
Initially requested the applicant consider whether alternative access arrangements were possible to serve the proposed site during the construction phase, including utilising an existing access off Derby Road and / or forming a new access to Lower Lane (circa 20m from the Derby Road junction), given the nature of Yelt Lane. The landowner has since advised that large agricultural machinery currently use both Yelt Lane and Lower Lane to access the site and given its use by such vehicles the Local Highway Authority do not consider that a highway objection could be sustained. A number of conditions and advisory footnotes are however recommended.

Environment Agency:
No objections.

Development Control Archaeologist
Made the following comments in relation to the documentation relating to archaeology accompanying the application:
The site lies at the interface between the alluvial floodplain and the gravel terraces of the River Dove. The floodplain has been subject to episodes of Holocene alluviation, but is also associated with evidence for prehistoric and Romano-British activity. Of particular relevance is a site (HER 19135) 700m south of the current application boundary, where prehistoric activity and Roman industry (ring ditch, gully, pits, field system, two kilns and hearths) was recorded during installation of a gas pipeline during 2000. The archaeological features were dug into, and sealed by, alluvial silts, meaning that the site was not identifiable by cropmarks or surface artefacts. Alluvial depths in the Dove floodplain are likely to vary widely according to the sub-surface geo-archaeology. However, on the excavated site to the south, some archaeological features were visible on stripping of topsoil only, and the remainder became visible once only 0.10m of alluvium was removed. This suggests that the archaeological features lay only around 0.25-0.30m below the current ground surface, well within the likely disturbance depth associated with a solar farm development.

The free-draining gravel terraces also have a strong correlation with prehistoric/Romano-British archaeology, although few sites are known from the Doveridge area – perhaps due to the historic prevalence of pasture (high survival of ridge and furrow) providing limited opportunity for the recording of cropmarks. Of some significance, however, is a cropmark and earthwork site relating to medieval archaeology at Palmer Moor, 400m to the NE.

The applicant’s archaeological desk-based assessment is therefore correct in concluding that there is potential for (primarily) prehistoric and Romano-British remains but perhaps also medieval within the site, at depths likely to be disturbed by solar farm infrastructure. In providing no site-based evaluation of this potential the application does not therefore meet the information requirements of NPPF para 128 in enabling us to understand archaeological significance and impact. A useful technique on this type of application is geophysical survey, in that it provides an economical and proportionate first stage of archaeological evaluation which is biased towards shallower deposits, and allows archaeological hotspots to be identified. This type of survey is likely to be effective on the current development site in identifying any major archaeological features which are not deeply buried.

It was therefore recommended that the applicant submit the results of a geophysical survey of the site (detailed magnetometry), fine-tuned for the particular soils, geology and likely depth of deposits.

In accordance with the recommendations of the County Council Archaeologist the applicant carried out a geophysical survey, the contents of which are discussed in the issues section of this report.

Derbyshire Wildlife Trust
In their initial consultation response DWT advised that insufficient consideration had been given to the possible use of the site by ground-nesting priority bird species, such as skylark, which would be likely to be displaced by the installation of the arrays and its operation as a solar farm. A revised preliminary ecological report addresses this issue by confirming that no ground nesting bird species, including skylark, were seen or heard during the survey visit, which was carried out during the main breeding season. We concur that given the timing of the survey visit it is likely that species
including skylark would have been seen or heard if they were nesting within the site and we are therefore satisfied that the proposal is unlikely to impact upon the local skylark or other ground nesting priority species populations. DWT also raised concern over the loss of the internal central hedgerow and associated vegetation as shown on the Proposed Project Layout Plan despite recommendations in the ecology report that this feature should be retained due to its potential to provide suitable terrestrial habitat for great crested newt. In the absence of a detailed great crested newt survey confirming their absence from the area, they advise that it is important that this habitat feature is retained.

A revised Proposed Project Layout which clearly confirms the retention of the central internal hedgerow and associated vegetation, which is welcomed and addresses the issue in respect of potential impact on protected species (great crested newt). They advise that a condition should be attached to any consent requiring that the development is carried out in strict accordance with the layout as shown on the Proposed Project Layout Rev 03 dated 2/10/2015.

East Staffordshire Borough Council:
No objections.

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 2.2m deer fencing which is not a specialist security product and is likely at best to offer only token resistance to intruders. As sites of this nature 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. They make reference to recent incidents in the East Midlands, including sites in Derbyshire, highlighting how easy it is to steal solar panels without having substantial security measures in place.

REPRESENTATIONS:
A letter of representation has been received from the owner of a field adjoining the site expressing concern that their land may become infested with weeds. They advise that a boundary of 40m would allow better management of vegetation and weed control.

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

An Agricultural Land Classification Survey has been carried out across the site and has shown the site to be grade 3b. The site is not therefore the best and most versatile agricultural land according to Defra’s Land Grading Classification Guidance. 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 and Cultural Heritage Desk Based Assessment. It concludes that there are no views of the site from the nearest designated heritage assets, including Marchington Conservation Area, Brocksford Hall (Grade II Listed) (noting, however, that there are views from the site of the chimney tops of Brocksford Hall) and Ley Hill Farm (Grade II Listed). The historic setting of these heritage assets does not comprise the landscape in which the site lies. As such there would be no harm to their setting. Dense tree planting around Brocksford Hall and the local landform fully filter views of the site from the gardens / terrace at the rear of the hall.

With regard to the impact on below ground archaeology, it was not considered that sufficient evaluation of shallow alluvial archaeological deposits was carried out. To address this the applicant has carried out a geophysical survey of the site, which does not show any hotspots / areas of interest and concludes that no further archaeological work is required.

The County Council Archaeologist agrees that the geophysical report shows little within the site that appears likely to represent archaeological features, but advises that it is possible that alluvial deposits of varying depth have a masking effect on the survey. Whilst there is no archaeological objection to the proposal, because the Dove floodplain has an enhanced potential for prehistoric/Romano-British archaeology concealed beneath alluvium (as shown by the previously unknown site discovered in the course of a pipeline excavation to the south of Holtwood Farm in 2000), an
archaeological monitoring of the principal development groundworks to allow any archaeo-
logical remains thus identified to be recorded and understood is recommended.

The County Council Archaeologist agrees that the survey suggests that there is no archaeological objection to the development, however, recommends archaeological monitoring of development groundworks because of the Dove floodplain location and the ditched features on the site which may prove to be of archaeological or palaeo-
environmental significance.

4. Impact on landscape character and appearance

A landscape appraisal is included as part of the planning application. It is used to assess the likely impact that the development will have on the landscape (landscape elements/ features, landscape character etc) and the visual amenity of local residents and others passing through the landscape on the local highway and public rights of way system (which is illustrated in photographic illustrations of the view from 9 representative viewpoints within the surroundings). In doing so it takes into account the measures that the applicant proposes to take to mitigate any adverse impact envisaged as a result of the development.

It concludes that views into the site are largely restricted to those from the south due to topography, existing tree and hedgerow cover and the mitigation proposals included as part of the development. The effect across the range of views is assessed as no greater than slight to moderate adverse and in most cases, negligible. This is as a consequence of site structures being no higher than 2.3 metres, the planting of a new hedgerow on the northern boundary and existing hedgerows/ hedgerow trees in the wider landscape intervening in the view and existing site boundary trees/ hedges continuing under management.

Though the solar farm will be an alien feature within the landscape it will occupy a limited area within the wider valley and be well contained by existing hedgerows, hedgerow trees and additional vegetation planted as part of the proposals. 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. Few of the existing landscape features (trees/ hedges) will be removed. It is now proposed to retain the centrally positioned internal hedgerow, following concerns raised by Derbyshire Wildlife trust relating to loss of habitat and potential impact on amphibians including Great Crested Newts. Additional planting will be undertaken as part of the application and maintained/ managed in order to successfully accommodate the development. Existing hedgerows at the boundaries will be strengthened / restored where necessary. A new native species hedgerow, including hedgerow trees, will be planted along the northern boundary. In addition to this additional supplementary landscaping, most of the existing site trees and hedgerows will be retained including all those associated with Yelt Lane in the west, Brocketsford Brook in the east and the field boundary hedge in the south. As such, there is likely to be no more than minor adverse impact on landscape character as a result of the development.
Associated equipment including the inverters DNO cabins and customer cabins will be located along the western edge of the site, behind the established hedgerow which lines Yelt Lane. The access track will also be closely associated with and screened by this hedge, an important feature of the lane.

Grassland will be retained beneath the panels. This will either be grazed by sheep or cut in order to encourage a wider diversity of species.

The development will not be prominent within the wider landscape. Medium to long distance views to it will be heavily filtered by existing vegetation in the surrounding landscape. Closer views, particularly from residential properties on higher ground to the north and east, will be substantially screened/ heavily filtered form the outset by the high hedge along Yelt Lane and vegetation associated with Brocksford Brook. In the medium to long term the new hedgerow on the northern boundary should have a similar screening effect. There is likely to be no more than minor adverse impact on visual amenity as a result of development.

The occupants of Holtwood Cottages will be constantly aware of the presence of the solar farm, due to the position of these properties relative to the site, even if the visual impacts are not significant. In this regard it is considered that the southern boundary hedgerow be allowed to develop and where possible new trees planted within in to provide an effective screen.

Although the solar farm on its own occupies a modest area within the surrounding landscape the scale of development in accumulation with the potential development at Holtwood Farm is significant. The topography of the surrounding area, intervening landscape features and distance of the proposed solar farm from that proposed at Holtwood Farm is such, however, that it would not be seen alongside / viewed with this development. Other solar farms have been granted / constructed in the wider area. Whilst there will be some cumulative affect associated with this further development the impacts are not significant as overall the land areas are not great and the landscape is capable of visually absorbing the installations.

5. Impact on Ecology

Following concerns that the development may adversely impact on ground nesting birds and amphibians, including Great Crested Newts, the applicant updated their preliminary ecological report and have confirmed that no ground nesting bird species, including skylark, were seen or heard during a survey visit, which was carried out during the main breeding season. Derbyshire Wildlife Trust are satisfied that given the timing of the survey visit it is likely that species including skylark would have been seen or heard if they were nesting within the site and are satisfied that the proposal is unlikely to impact upon the local skylark or other ground nesting priority species populations. The applicant has also shown the internal central hedgerow and associated vegetation to be retained in a revised proposed layout plan which may provide suitable habitat for amphibians including Great Crested Newts. Derbyshire Wildlife Trust have withdrawn their holding objection on the basis of this additional information / change to the proposed layout. Subject to a condition to secure implementation of the development strictly in accordance with the revised site layout plan, the proposed solar farm would not, it is considered, adversely affect the sites.
ability to accommodate wildlife, including species that are protected by law. Additional supplementary landscaping will create additional habitat and enhance biodiversity within the site and wider area.

6. **Highway Safety**

Given use of the current use of Yelt Lane by large agricultural vehicles the Local Highway Authority do not object to its use by the vehicles necessary to aid construction of the solar farm. The construction traffic vehicular access to the site will be via a new field access approximately 200m south of the junction between Yelt Lane and Lower Street. Improvements will need to be made to the road in the vicinity of the site access in order to accommodate heavy goods vehicles turning into the site. In terms of mitigation to minimise impact on local residents and reduce the propensity for conflict between vehicles the Local Highway Authority recommend the following measures be introduced by the contractor:

- confirmation of the times of day when construction vehicles will access and egress the site
- restriction of construction vehicles accessing / egressing the site during the morning and evening peak hours
- provision of signage at the Yelt Lane / Derby Road and Derby Road / Lower Street junction indicating that construction traffic will be using Yelt Lane.
- provision of banksmen at the Yelt Lane / Derby Road and Derby Road / Lower Street junction with walky talkies to confirm when a construction vehicle will be arriving / departing

Subject to implementation of the above measures and the conditions recommended by the Local Highway Authority it is not considered that the occupants of nearby residential properties would be adversely affected by the development during the relatively short 16 week construction period nor would the users of the wider highway network be adversely affected / inconvenienced to an unacceptable degree. It is anticipated that there will be 81 deliveries by 16.5m articulated vehicles and 7 deliveries by 12m rigid vehicles over this period. A maximum of 50 construction workers are forecast to be on site during peak times. A temporary compound / parking area will be formed at the north western end of the site for workers vehicles and equipment.

An internal access track is required to provide vehicle access for construction and maintenance. The materials used will depend on site conditions but are likely to consist of compacted stone. After commissioning there are anticipated to be around three visits to the site per year for equipment maintenance purposes. The nature of track and level of use is not considered to raise any highway safety concerns.

7. **Flood Risk, Crime Prevention and Other Issues**

The accompanying Flood Risk Assessment confirms that the site is located in Flood Zone 1 and the proposed development is classified as a less vulnerable land use within the vulnerability classification set out in the National Planning Policy Framework. The site therefore passes the sequential test and the exception test does not apply. With regard to surface water flood risk, the majority of the site is at very low risk, with
some areas in the east of the site at low risk. Vulnerable equipment will not be located in the low risk areas and will have a finished floor level of 150mm. The County Councils Flood Team have been consulted and they recommend a condition to secure more detailed information relating to the maintenance and management of surface water drainage for the site prior to the commencement of development.

The Crime Prevention Design Advisor has expressed some reservation about the level of security and recommends that consideration be given to a more robust perimeter fence. The proposed deer fence allows smaller wildlife to cross the site and given limited access to the site, combined with the installation of CCTV cameras is likely to provide an appropriate level of security in this case.

The owner of a neighbouring field has expressed concern about the potential for weed infestation as a result of the development. Adequate space will, however, be left between perimeter fence and the boundary of the site for a tractor allowing the owners of adjoining land to effectively control weeds and maintain hedges and trees.

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.

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 greenfield nature of the site and the modest harm to landscape character and visual amenity. 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 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 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. This permission relates to the original application documentation except as amended by the revised Preliminary Ecological Report and Project Layout Plan received by the Local Planning Authority on the 2nd October 2015 numbered Rev 03.

3. 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 29 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 29 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.

4. Full details of the proposed location and colour treatment of the CCTV cameras to be erected 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.

5. This permission does not convey any authorisation to erect any security or flood lighting on site. No such lighting shall be installed without the prior written approval of the Local Planning Authority.

6. No development shall take place 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.

7. 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
iii. New hedgerow planting, hedgerow relocation and future hedgerow
maintenance
iv. Planting of site under and around the panels and subsequent maintenance

The landscaping works shall include measures to strengthen the southern boundary
hedgerow and be undertaken in accordance with an agreed timetable of works and
maintained thereafter in accordance with the approved details.

8. The development hereby approved shall be carried out strictly in accordance with the
measures set out in the Revised and Proposed Project Layout Plan Rev 03 and the
Preliminary Ecology Report by JBA Consulting unless otherwise agreed in writing by
the Local Planning Authority.

9. Before any other operations are commenced space shall be provided within the
application site for storage of plant and materials, site accommodation, loading,
unloading and manoeuvring of goods vehicles, parking and manoeuvring of
employees and visitors vehicles, laid out and constructed in accordance with detailed
designs first submitted to and approved in writing by the Local Planning Authority.
Once implemented the facilities shall be retained free from any impediment to their
designated use throughout the construction period.

10. Before any other operations are commenced the highway mitigation improvements
for Yelt Lane, between Derby Road and the application site entrance, generally as
identified in e-mail correspondence dated 28th September 2015 but more specifically
in accordance with detailed designs, shall be submitted to the Local Planning
Authority for written approval. The works being laid out / completed in accordance
with the approved details prior to works commencing on site.

11. A scheme of traffic management and temporary signage, generally as identified in e-
mail correspondence dated 28th September 2015 but more specifically in accordance
with detailed designs / information, shall be submitted to the Local Planning Authority
for written approval. The approved details being put in place and operated throughout
the construction phase.
12. A visual condition survey of the existing highway network, between Derby Road and the application site entrance, shall be undertaken prior to works commencing on site to establish a baseline highway condition along the construction vehicle route. A further condition survey shall be carried out within 14 days of the construction phase ending. Any highway defects as a result of construction vehicle activity shall be identified and the applicant shall submit details to the Local Planning Authority for written approval, within 28 days of cessation of construction operations, identifying an action strategy and timescale for the completion of any remedial works deemed necessary, the costs of which being funded by the applicant.

13. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the site for power production commencing.

Reasons:

1. This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.

3. 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).

4. To ensure that the proposed cameras are sensitively sited and of a satisfactory external appearance 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).

5. 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).

6. To ensure adequate recording of any below ground archaeology in accordance with guidance contained within the National Planning Policy Framework (2012).

7. 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).
8. 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 Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

9 – 12. 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).

13. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority to prevent surface water flooding in accordance with the aims of the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the potential impact on ground nesting birds and amphibians, including Grex Crested Newts.

2. NFA20 Conditions Precedent… Conditions 4, 6, 7, 9, 10, 11 and 13.

3. NFA21 Conditions Fee Discharge.

4. No works should be commenced within or adjoining highway limits without first being approved in writing by the Highway Authority and covered by the appropriate agreement or licence. The applicant is advised to contact Derbyshire County Council (Tel: 01629 538578 and ask for Mr I. Turkington) to discuss appropriate arrangements for the proposed works.

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

6. Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Street-works Section).

7. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via
the County Councils web-site; relevant forms are available via the following link -
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

This Decision Notice relates to the following documents:
Site Location and Topography Plans;
1:50 Scale Drawings of the Access Track, Solar Panels, Deer Fencing and Security
Gate, Cable Trenching, DNO Substation, Customer Substation, Inverter Station and
Storage Room;
Document Titled Planning and Sustainability Assessment, Incorporating Design and
Access Statement and Statement of Community Involvement by LDA Design;
Landscape Appraisal by bea Landscape Design Ltd;
Flood Risk Assessment by JBA Consulting;
Archaeological and Cultural Heritage Desk-Based Assessment by Cotswold
Archaeology
Construction Traffic Management Plan by tpa
Agricultural Land Classification by Soil Environment Services Ltd received by the
District Council on the 11th August 2015;
Geophysical Survey by WYAS Archaeological Services dated September 2015, and;
Amended Preliminary Ecological Appraisal by JBA Consulting and 1:2500 Scale
Proposed Project Layout Plan Rev 03 received by the District Council on the 2nd
October 2015.
15/00549/FUL

Land at Former Dunsley Mill, Bonsall

Derbyshire Dales DC
Date: 02/10/2015

100019785

Crown Copyright and database rights (2015) Ordnance Survey (100019785)
Derbyshire Dales District Council,
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.
Telephone: (01629) 761100.
website: www.derbyshiredales.gov.uk
THE SITE AND SURROUNDINGS:
The site is an area of open land further to the demolition of the former Dunsley Mill complex. It is located approximately 1km to the northwest of Cromford. It falls within the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS). The buffer zone is defined in the UNESCO Operational Guidelines and Circular 07/2009 as that area surrounding the World Heritage Site, whose purpose is to give an added layer of protection to the World Heritage Site. The boundary of the DVMWHS itself is immediately to the south being coincidental with the boundary of the Cromford Conservation Area.

The application site measures 0.9ha and used to contain a number of workshops, a small office and associated facilities, a reservoir of concrete construction, a disused settling tank and disused weighbridge. The site is split into two flat surfaced levels. The largest area is set at road level. At the northern end of the site is a distinct plateau of made ground approximately 7m in height. The two areas are connected by a concrete ramp.

The site lies directly off the Via Gellia Road in the steep sided, wooded valley through which runs both the road and the Bonsall Brook. Like much of the valley, the site has historic associations with industrial development; Via Gellia Mill is located immediately to the north and the brook has been engineered along much of its length to provide power for industry in the valley and further down stream.

Immediately to the south, the brook is dammed to form a mill pond in association with a former bobbin mill which has been restored for holiday accommodation (Slinter Cottage) which is a Grade II listed building. There are a number of sites (principally mills, mill ponds, sluices and other water features) in the immediate vicinity that feature on the Historic Environment Record.

The site falls within the Limestone Dales landscape type of the White Peak landscape character area. The surrounding landscape is typical of the type:

- Very steeply sloping valley sides
- Very shallow loamy soils over Carboniferous Limestone
- Frequent bare rock outcrops and scree slopes
- Areas of scrub dominated by hawthorn
- Blocks of ancient woodland
- Rough grazing by sheep in enclosures bounded by dry stone walls

There are a number of designated sites in the vicinity of the application site. Woodland occupying valley slopes to the east, south and south west is designated both as Sites of Special Scientific Interest and as Special Areas of Conservation. The meadow to the west is a Local Nature Reserve administered by the Derbyshire Wildlife Trust, so designated for its value as species rich pasture.
There is a right of way on the southern side of the existing buildings which enables access to the meadow. There are also public footpaths which directly overlook the site from the west and south.

The Via Gellia Road provides direct access to the Peak District National Park the boundary of which is just to the north west at Bonsall Wood. It is apparent that the site is at a sensitive location in relation to a great many sites designated for their historic and environmental value and at a point which is both a gateway to the DVMWHS and the Peak District National Park.

THE BACKGROUND:  
Prior to 1992 the site was operated as a mineral processing site. In 1989 permission was granted for a grinding mill. In 1992 a planning application was granted for the site redevelopment and the former mill was demolished, the Secretary of State having decided not to list it. In 1994 the site was acquired and substantial rebuilding work was undertaken in line with the planning permission granted in 1992. In 1999, an outline planning permission for housing development on the site was refused and dismissed on Appeal.

The site was acquired in June 2002 by the applicant. It was operated as Dimensional English Stone Ltd from 2002 which manufactured tiles from local limestone. From 2004 it was operated by Real Stone Ltd and ceased operation in 2006 due to increased imported limestone tiles. Since its closure, the site has been vacant and targeted by vandals resulting in anything of value being stripped and the degradation of the site.

Since 2006, planning permission has been sought from Derbyshire County Council to develop the site as an In Vessel Composting Facility. This was granted planning permission in 2009 but refused a Waste Permit by the Environment Agency and therefore development did not proceed. Planning permission was also granted in 2011 for 13 industrial units but this has not been implemented.

THE APPLICATION:  
Full planning permission is sought to erect an industrial building and an office building for Uk Slipform. It is the intention of the company to relocate from the current premises at Clifton Road in Ashbourne.

The larger industrial building is proposed on the lower part of the site. This would measure some 48m wide by 15m deep and 7m high. It would be constructed with box profile sheeting (olive green walls and a merlin grey roof are proposed). The gutters and downpipes are proposed to be powder coated steel. The roof is proposed to have 10% of its area covered with rooflights. The service yard would have a concrete surface and an area would be provided for 6 vehicle parking spaces. The building would have a large open space with offices, storerooms canteen, and toilets set over two floors at the northern end of the building.

The split level building would be an office for the company. It is proposed to be constructed with stone walls and have a feature polished concrete radius structure to extend from the lower ground floor to the eaves of the office building on the upper level of the site. The roof is proposed to be slated and have solar panels set on the west side. Windows and doors are proposed to be Upvc and rainwater goods to be plastic. A tarmaced car park is proposed for 13 vehicles.
The applicant advises that the company, which extrudes concrete vertically, have had requests over the last 18 months from overseas contractors to price work in Europe. In this respect, with larger premises at the site to expand the applicant considers the company will be in a position to offer their services in the coming two years. In this respect, it is expected that the company will be receiving guests from overseas companies and, to showcase the product, it would be ideal for the company to show them the radius tower proposed.

An area is shown to be set aside for future development to the south of the site.

**RELEVANT HISTORY:**

11/00031/FUL  Demolition of existing buildings and redevelopment of site to provide 13 no. industrial units and associated car parking - Granted

08/00613/CM  Construction and operation of an in-vessel composting facility and associated infrastructure (County App. CW3/0608/52) – Granted

07/00223/CM  Construction and operation of an in-vessel composting facility – Objection

00/06/0410  Redevelopment of industrial site for 46 dwellings (outline) – Objection

99/12/0829  Redevelopment of industrial site for housing (outline) – Refused

0296/0116  Incorporation of land into site, use thereof for minerals processing, construction of storage facilities and associated works – Refused

1092/0840  Alteration to vehicular access – Granted

0992/0695  Listed building consent for demolition of curtilage buildings – Granted

1288/0945  New grinding mill - Granted

**CONSULTATIONS:**

Bonsall Parish Council – No comments received.

Cromford Parish Council – No comments received.

Local Highway Authority – Advised verbally of no objection – Conditions to be reported to Committee.

Environment Agency – No objection subject to Conditions.

DCC Land Drainage – Comment:

- require a detailed design and associated management of surface water drainage – can be subject to a condition

District Council’s Environmental Health Section – No objection subject to conditions with regards to hours of operation not being on Sundays and Bank Holidays and that the recommendations for the contaminated land are followed.

Peak District National Park Authority – Comment:

- no overriding concerns that the development would have any significant impact on the conservation of the National Park’s scenic beauty, wildlife or cultural heritage

- no overriding concerns that the development would give rise to any significant vehicular movements through the National Park, or give rise to flood risk issues, or water pollution upstream

- there may be some benefits to residents in terms of providing employment opportunities

106
consider that the development would have a neutral impact on the National Park and would neither conflict with nor contribute significantly to its statutory purposes and duty.

DCC Planning Control – Comment:
- would not affect the minerals safeguarding interest.

Historic England – Comment:
- must be fully satisfied that the public benefits of the proposal outweigh the degree of harm
- concerned that new building will not enhance the setting of the heritage assets through layout, design, materials and landscaping
- materials and design fail to reflect local distinctiveness
- screening with hedgerow is not appropriate in an area where limestone walls form boundaries
- recommend the archaeology potential of the site be assessed
- draw attention to Paragraphs 8, 126 and 131-134 of the NPPF

Derwent Valley Mills World Heritage Site – Comment:
- precedent for industrial development on the site is well established
- proposal for a smaller scale of development than previously existed
- simple industrial unit is appropriately recessive with full height, olive green cladding
- office building is relatively traditional – the semi-circular feature end seems to be constrained by the semi-traditional model – opportunity exists to be more innovative in expression but do not consider proposal
- palisade fencing would be located behind robust landscaping - particular detail should be paid around the entrance to the site
- to summarise, the outstanding universal value of the WHS would not be harmed.

Conservation Advisory Forum – Comment:
- considered the potential impact of the proposed development on the OUV of the WHS and in particular the WHS iconic view from Slinter Cottage towards the site
- concluded that the proposed large industrial unit proposed is acceptable in this regard
- noted that additional landscaping is proposed at the end of the site adjacent to Slinter Cottage
- discussed the proposed colour of the materials for the large building – division of opinion between the use of a pale/light green and a darker recessive grey/blue
- also stated that the colour of the previous buildings (a pale green) would be better than the proposed olive green.
- considered the office building in this industrial context lacked the simplicity and honesty of the large industrial building and was out of context - a more industrial design concept/shape would assimilate better with the site
- did not object to the use of some ‘polished concrete’ but this should be an integral part of the design concept for the office building - the semi-circular end and the proposed slated roof exacerbated its domestic character which was considered wrong for this site
- felt the proposed landscaping scheme was not robust enough for its context in the primarily a wooded valley and that character should be integrated into the site (where any landscaping is proposed)
- concerned about the planting areas adjacent to the access and the line of trees on the basis that these could jar with the predominant organic woodland setting of the site.
Development Control Archaeologist - No objection subject to conditions on the provision of a watching brief.

Derbyshire Wildlife Trust – No objections to previous planning permission – awaiting conditions to be presented to Committee.

Crime Prevention Design Advisor – No objection to proposals as submitted.

REPRESENTATIONS:
A letter of representation from a neighbouring resident. The comments can be summarised as follows:
- consider the impact of external flood lighting on Slinter Cottage and the natural environment
- highlight value of Slinter mill pond and surrounding trees and shrubs for foraging bat species
- applicant refers to no trees or hedges being present on the site – does this mean there will be no tree or shrub felling
- reiterate value of existing trees and shrubs to the landscape character, the setting of the Grade II listed building, WHS and Conservation Area and as naturalised habitats
- would be helpful to understand the proposed industrial process with regard to hours of opening and noise pollution
- planting Ash is currently not possible.

A letter of representation supporting the application from a Derbyshire resident. The comments can be summarised as follows:
- support redevelopment of brownfield site
- like proposed office building with curved end elevation
- responds to site’s split level
- support the landscaping proposals – feel will integrate the planned development into the landscape.

POLICIES:
1. Adopted Local Plan 2005
   SF4 Development in the Countryside
   SF5 Design and Appearance of Development
   SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
   EDT7 Extension and Expansion of Existing Industrial and Business Land and Premises
   EDT8 Design and Appearance of New Industrial and Business Premises
   EDT15 New Build Industrial and Business Development Outside of Settlement Frameworks
   NBE1 Sites of International Importance for Nature Conservation
   NBE2 Sites of National Importance for Nature Conservation
   NBE3 Other Sites of Importance for Nature Conservation
   NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
   NBE5 Development Affecting Species Protected by Law or are Nationally Rare
   NBE6 Trees and Woodlands
   NBE7 Features Important in the Landscape
   NBE8 Landscape Character
   NBE16 Development Affecting a Listed Building
   NBE21 Development Affecting a Conservation Area
2. National Planning Policy Framework

3. National Planning Practice Guidance

4. Supplementary Planning Guidance
   Landscape Character and Design Supplementary Planning Document

5. Cromford Conservation Area Appraisal


ISSUES:
1. Introduction - Policy
The proposal is not located within a Settlement Framework Boundary therefore any development would be considered to be in the open countryside and determined having regard to Policy SF4 of the Adopted Local Plan (2005). This states that development proposals within the countryside will only be permitted if required to serve the essential requirements of agriculture, forestry and outdoor sport or recreation, if assisting growth of tourism, providing for other needs which can only be met in a rural area, in addition to the proposal being appropriate in nature and scale to a rural area, preserving and/or enhancing the character and appearance of the countryside and minimising any adverse impact on the local environment.

The site was formerly used as industrial premises for the manufacture of limestone tiles, which was vacated in 2006 and the buildings latterly demolished. The site would continue to be used for employment purposes and is considered acceptable in principle in the context of this Policy.

Policy EDT8 advises that planning permission will only be granted for new industrial and business premises and the extension to existing premises, where the design and appearance is in scale and character with its surroundings and the immediate or wider landscape, the development has regard to distinctive landscape features and provides supplementary landscaping where appropriate and does not create unacceptable problems in terms of relationship between the proposal and the neighbouring uses beyond the development site.

As the proposed site is located outside the Settlement Framework Boundaries for Bonsall and Cromford, Policy EDT15 should be considered. This advises that new build industrial and business development outside of Settlement Framework Boundaries should only be granted planning permission where it consists of small-scale industrial and business development that is appropriate to its location, the size, design and appearance of any building is commensurate with its function and the proposal does not have an adverse impact upon the character and appearance of the immediate or wider landscape. In this context, it has to be appreciated that the development is a replacement of a former industrial development on the site.
The Policy also states that planning permission for new build business and industrial development will not be granted where there is the potential to convert existing buildings to industrial and business use on the site or within the locality. The previous buildings have already been demolished but is considered that these were specific to the former operations of the site and difficult to adapt to other uses.

The site is located within the Derwent Valley Mills World Heritage Site Buffer Zone (Policy NBE25) and therefore planning permission should only be granted where it can be demonstrated that the development will not have an adverse impact upon the setting of the World Heritage Site. The site is also situated adjacent to the Cromford Conservation Area (Policy NBE21) and therefore any development should also ensure the continued preservation and/or enhancement of the character and/or appearance of this area. There are also archaeological matters which need to be considered in the context of Policy NBE24.

The application site is also situated adjacent to a Derbyshire Wildlife Site and it should be established if the proposal is likely to have any direct or indirect adverse impact as defined by Policies NBE3 and NBE5. If the proposal is likely to have an impact on the wildlife site, then possible mitigation and/or compensatory measures could be imposed through a Section 106 obligation or planning conditions to protect and/or enhance the nature conservation interests of the site.

As the proposal is sited in a wooded location, the impact of development on the surrounding trees and woodland should be considered. Policy NBE6 states that planning permission will only be granted for development likely to have a direct or indirect adverse impact upon trees and woodlands where it can be demonstrated that the justification for the development outweighs the woodlands’ importance for nature conservation or amenity value. If the proposal is considered acceptable then suitable conditions and/or Section 106 obligation would need to be imposed to ensure that any trees lost as a result of development are replaced on a basis of three replacements for each one lost.

Strategic Flood Risk Maps produced by the Environment Agency indicate that the proposed site is situated within a functional floodplain zone and is therefore land where water may flow or be stored in times of flood. A further policy aim would be to relocate existing development to land with a lower probability of flooding. In this respect, Officers have submitted a Sequential Test to the Environment Agency with the advice that it is not considered that there are more appropriate sites, where potential flooding may be less, that could be currently brought forward for the nature and scale of the proposed development.

Local Plan Policy TR1 advises that planning permission will be granted for development requiring to be served by vehicles provided that it would be served by a safe access with appropriate gradient, width, alignment and visibility, the site is accessible to a road network of adequate standard to accommodate the anticipated traffic generated by the development safely and without detriment to the character of the road, in addition to circulation within the site being available or can be achieved without detriment to the appearance or amenity of the area. As the site was previously used for business/industrial use prior to being vacated, it should be ensured that the existing access is appropriate for the new proposal and there is suitable circulation access on site.

To conclude, whilst the proposal would result in the re-use of a former industrial/business site for employment use, there are a number of policy issues relating to development of
the site that need to be considered. The main impacts of the proposed development are considered to be on the following:
- design and appearance of the proposed development
- the impact on the World Heritage Site and setting of Slinter Cottage and the Cromford Conservation Area
- landscaping
- highway issues
- drainage matters
- wildlife issues
- archaeological matters
- site contamination
- impact on the amenity of neighbouring property

2. **Design and Appearance of the Proposed Development**

The buildings comprise a typical modern portal framed industrial building, reflective to some extent of the former buildings on the site and that approved with planning permission 11/00031/FUL, and an office building of traditional stone and slate with a contemporary concrete feature.

The opportunity exists to use a darker, more recessive colour for the cladding of the industrial building than the previous development and the applicant has suggested an Olive green which is considered appropriate. The office building proposes a blending of contemporary and traditional materials. The upper level element of the building would take on a more tradition form, with stone walls and a slate/tiled roof. However, where the building steps down into the lower site, and its context with the modern form of industrial building, it takes on a more contemporary appearance with the use of polished concrete as a feature element of the building; this is also representative of the company’s business operation in producing such material.

There are differing views of the appropriateness of such design and materials from the consulted bodies such as Historic England, the DVMWHS advisors and the CAF. However, it is the view of Officers that the office building will make its own statement on the site, as historic buildings have done over time throughout the WHS and, in the use of its concrete element, is an up to date representation of the use and development of materials in the modern age.

The buildings are also proposed to be generally lower in height and less imposing in scale than the previous buildings on the site, albeit they are proposed to extend onto the upper level of the site.

3. **Impact on the World Heritage Site and Setting of Slinter Cottage and the Cromford Conservation Area**

The site is currently an intrusive element in the DVMWHS and in views from the Cromford Conservation Area. Planning Policy for the site redevelopment requires that it at least preserves, or enhance if possible, the character and appearance of these areas.

There is no objection to proposals to redevelop the site for industrial purposes in principle. The site, and indeed much of the valley, has long and historic associations with industry that are the basis for the designation of the World Heritage Site. The site is well contained within the steep sided and extensively wooded valley and views to it are generally restricted to those using the public footpaths and the road and only then over relatively short distances. The new buildings will be less massive structures and, as a
consequence, the visual impact will, in general, be less intrusive than that which previously existed.

Parts of the previous development were clearly visible from Slinter Cottage and the DVMWHS across the Mill Pond. It had an overbearing presence which had an adverse impact on the landscape character, the character of the DVMWHS and the visual amenity of the cottage and users of the associated footpaths. The proposed industrial unit detailed is pushed back on the site and set against the western slope and will be smaller in size. It will still impinge into the view from and the surroundings of the DVMWHS and Slinter Cottage but, given the relative distance and interspersed trees and landscaping, this is not consider to have a adverse impact on the property.

In summary, the overall development is considered to be an improvement on the previous site development. Whilst there will be some impact on the DVMWHS and the setting of the Cromford Conservation Area, the overall development is regarded as an enhancement of this brownfield site, particularly having regard to its former use and built form.

4. **Landscaping**
While the proposed units are set well back from the road, there is only limited space available within the design for screen planting along the road frontage particularly on the southern side of the access. In addition, the proposed hedgerow planting is not characteristic of the landscape type and the landscaping along the roadside boundary will need to be reconsidered. However, the site currently has little screening to the frontage and some additional landscaping would be an improvement and could be achieved without compromising the necessary access and parking arrangements to service the proposed development. A balanced view has to be taken between seeking to fully screen the site and yet allow for its viable re-use. On balance, subject to a more appropriate set of landscaping proposals being put forward, it is considered that no overall harm will result.

5. **Highway Issues**
The Local Highway Authority has advised verbally of no objections given amended information that has been submitted. It is advised that conditions will be required to be attached to any grant of planning permission.

6. **Drainage Matters**
The Environment Agency has advised that there is no objection to the proposed development with regard to flood risk. It is noted that some site investigation was carried out at this site in December 2008. However, further information is required to feed into and update the Conceptual Site Model/Source Pathway Receptor assessment in terms of the groundwater regime. This should include site wide groundwater level and quality monitoring. The Environment Agency also require further details on any existing site drainage and whether this provides a potential preferential pathway for any contaminated groundwater. The results of this further investigation should then feed into a remediation method statement.

The County Council as Land Drainage Authority has advised they have been investigating a flooding issue up stream and request evidence to demonstrate that an increase in surface water discharge will not exacerbate these issues. In this respect, a condition is required with respect to the detailed design, management and maintenance of a sustainable drainage system (SuDS).
7. **Wildlife Issues**
The site is surrounded by sensitive wildlife sites. However, the site itself has little evidence of wildlife and, based on the information submitted and available, matters relating to the protection of the wildlife sites and protected species can be addressed through conditions on any grant of planning permission. The previous planning application identified that there may be Japanese Knotweed present on the site and therefore an informative on any planning permission is suggested that the applicant have regard to the Wildlife and Countryside Act 1981 in this respect.

The applicant has submitted an updated Ecological Appraisal which has still to be fully appraised by Derbyshire Wildlife Trust (DWT). However, given the previous approval of industrial redevelopment of the site, it is not considered by Officers that the current proposals and up to date ecological assessment would reveal significant concerns. It is expected that the comments of DWT, and any conditions that they may require, will be reported to Committee.

8. **Archaeological Matters**
The site contains a number of historic records relating to water management and industrial activity associated with the former Dunsley Mills (HER 29727), a 19th century paper mill on the Bonsall Brook subsequently used for barytes crushing. Information submitted as part of the previous application for the site in 2011 suggested that the site contains a certain depth of modern build-up, below which may lie remains of the 19th century mill, or more likely of its water management features (wheel pits and soughs).

An archaeological condition was attached to the previous consent requiring archaeological monitoring/supervision during development groundworks with particular focus on reduction of levels, to allow recording of any industrial archaeology features thus exposed. A written scheme of investigation for this work was agreed but not implemented, to the knowledge of the Development Control Archaeologist.

Although the current application lacks detail on proposed formation levels and the sequence of proposed groundworks, it seems likely that similar below-ground impacts will ensue. It is therefore recommended that the archaeological interest be addressed in a similar way, through a conditioned scheme of monitoring and recording in line with NPPF para 141.

9. **Site Contamination**
The applicant has submitted a Geotechnical and Contamination Report, which is a copy of that submitted with the previous planning application. This identifies elevated concentrations of petroleum hydrocarbons in parts of the site. The report recommends that near surface subsoils are removed in these areas and replaced with clean material if these areas are not included in the site strip or covered by hardstanding. This is to break any pollutant linkage between the hydrocarbons and on-site employees. As such, the applicant will need to take adequate mitigation measures to break the pollutant linkage. This may be in the form of excavating the identified hotspots, followed by appropriate validation or altering the proposed landscaping to an above ground planter of some description, below which is hard standing. A condition is required in this respect.

10. **Impact on Amenities of Neighbouring Properties**
The Head of Community Services (Environmental Health) has raised concerns about noise affecting the adjacent property, Slinter Cottage. In this respect, it is considered reasonable by Officers to require details of mitigation measures, albeit it has to some extent to be
appreciated that there was an industrial mill previously on the site. Nevertheless, it is considered reasonable, as was the case of other previous planning permission, that the walls and roofs of the units are adequately soundproofed/insulated to again minimise any noise intrusion at the nearby property. This is likely to be easier to achieve at the construction stage rather than in response to statutory nuisance complaints being made to the District Council. This can be attached as a condition to any grant of planning permission.

11. Other Matters
It was previously advised that the Arkwright Society retain a right of way through the site. This does not appear to be impacted upon by the proposed development but is strictly a matter with the landowners and is not a planning consideration.

12. Conclusion
The consideration of this application needs to have particular regard to the impact the development will have on the setting of the DVMWHS and the adjacent Cromford Conservation Area and the listed Slinter Cottage. However, consideration also needs to be given to the need to find a viable redevelopment of this disused commercial site.

The area is steeped in industrial history and the application site has been redeveloped over the years to reflect the changing demands for commercial premises. The historic buildings which once graced the site had long been replaced with the rather characterless utilitarian buildings that were previously on the site.

The general height and scale of the proposed buildings has been reduced when compared to the previous buildings and, whilst there will be some impact on the setting of the DVMWHS, the Conservation Area and Slinter Cottage, this has been substantially reduced in comparison with the previous use so as to constitute an improvement. This also has to be balanced with the benefits of redeveloping a brownfield site and allowing a business to relocate within the District, safeguarding local employment. It is therefore recommended that planning permission be granted.

OFFICER RECOMMENDATION:
Planning permission be granted subject to the following conditions:

1. Condition ST02a Time Limit on Full

2. Notwithstanding the details on the approved drawings, before the development commences, samples of all materials shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

3. Before the development commences, details of the materials, treatment and colour of the window frames, door frames and doors shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

4. Before the development commences, details of the abutment of the concrete walling and the stone walling on the office building shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.
5. Condition DM26a  Window/Door Construction – Details Required

6. Condition LA12a  Approval of Landscaping Scheme before Commencement of Development
(Insert at beginning ‘Notwithstanding the details on the approved drawings,’)

7. Condition LA13a  Landscaping to be Carried Out and Maintained

8. Condition LA14  Landscape Maintenance – Implementation

9. Notwithstanding the details on the approved drawings, the proposed development shall not be taken into use until a scheme providing details of the measures to enhance the road frontage by the completion/rebuilding of the stone boundary wall, finished with stone copings, has been submitted to and approved in with the Local Planning Authority and shall thereafter be provided within six months of the development first being taken into use.

10. The landscaping scheme required with respect to Condition 5 shall include details of how any identified contamination is managed to mitigate any risk to human health and shall include details of any validation or verification of contaminant removal (if required) and the details shall be approved in writing by the Local planning Authority and thereafter provided in accordance with the approved details.

11. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA non-statutory technical standards for sustainable drainage systems (March 2015) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) a preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site

ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

iii) the results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority and the scheme shall be implemented as approved.

13. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

14. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

15. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

16. The use of the premises shall be restricted to the hours of 07.00 to 19.00 hours on Monday to Friday, 07.00 to 13.00 hours on Saturdays and there shall be no operations undertaken, other than routine maintenance, on Sundays or Bank Holidays.

17. The works of construction on the site shall be restricted to of 08.00 to 19.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturdays and there shall be no works undertaken on Sundays or Bank Holidays.

18 Condition IC07a No Outside Storage

19. Before the development commences, details of any floodlights, to include height, type, position and angle of glare, shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in accordance with the approved details. The floodlights shall only be illuminated between the hours of 07.00 to 19.00 hours on Monday to Friday and 07.00 to 13.00 hours on Saturdays and shall not be operated on Sundays or Bank Holidays.

20. Condition IC23 Details of External Lighting

21. Condition IC28 Refuse and Recycling Storage (Implemented)
(Insert at beginning – Notwithstanding the details on the approved drawings, .......)

22. No development shall take place 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.

Note:
Conditions relating to ecology and highway safety will need to be include having been reported to the Planning Committee

Reasons

1. Reason ST02a

2-5. To ensure the satisfactory appearance of the development to comply with Policies SF4, SF5, EDT7, EDT8, EDT15, NBE6, NBE7, NBE8, NBE21, NBE24, NBE25 and NBE26 of the adopted Derbyshire Dales Local Plan (2005).

6-9. To ensure the satisfactory appearance of the development to comply with Policies SF4, SF5, EDT7, EDT8, EDT15, NBE6, NBE7, NBE8, NBE21, NBE24, NBE25 and NBE26 of the adopted Derbyshire Dales Local Plan (2005).

10. To mitigate any risk to human health to comply with government guidance contained in the National Planning Policy Framework.

11. To ensure the provision of adequate and appropriate drainage facilities to comply with government guidance contained in the National Planning Policy Framework.

12. To ensure that any remediation required is undertaken to an agreed standard to comply with government guidance contained in the National Planning Policy Framework.

13-14. To ensure that any residual contamination remaining on site is not mobilised to have an impact on controlled waters to comply with government guidance contained in the National Planning Policy Framework.

15. In pursuance of the Council’s duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council’s powers under Section 2 of the Local Government Act 2000 and to reflect government guidance in the National Planning Policy Framework.
16-17. In the interest of preserving the amenities of neighbouring to comply with government guidance contained in the National Planning Policy Framework and Policies SF5, EDT7 and EDT8 of the adopted Derbyshire Dales Local Plan (2005).


22. In order to protect and record the archaeological interests of the site to comply with Policy NBE24 of the adopted Derbyshire Dales Local Plan (2005).

Note: Reasons relating to additional will need to be included having been reported to the Planning Committee.

NOTES TO APPLICANT:
1. Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters).

2. The applicant is advised that Japanese Knotweed may be present at the site and is advised to have regard to the Wildlife and Countryside Act 1981 in this respect.

3. Any security measures implemented in compliance with the approved scheme should seek to achieve the ‘Secured By Design’ accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

4. With effect from the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008 (SI 958/2008) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 21 of the General Development Procedure.
Order. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

5. This decision notice relates to the following documents:
   Site Location Plan 1:1250 received on 29th July 2015
   Drawing Nos. A15-112 L (0) 02, 03, 04, 05 and 06 received on 29th July 2015
   Design and Access Statement received on 29th July 2015
   Geotechnical and Contamination Report on Ground Investigation received on 29th July 2015
   Flood Hydrology and River Modelling received on 29th July 2015
   Flood Risk Assessment received on 29th July 2015
   Transport Statement received on 29th July 2015
   Photographs of radius concrete structures received on 14th August 2015
   Ecological Appraisal received on 30th September 2015
   Colour options profile sheeting received on 1st October 2015.

Further notes as may be required by the Local Highway Authority and Derbyshire Wildlife Trust.
### Southern

<table>
<thead>
<tr>
<th>Reference</th>
<th>Site/Description</th>
<th>Type</th>
<th>Decision/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/00641/FUL</td>
<td>Parkfield Byre, Offcote, Kniveton</td>
<td>WR</td>
<td>Appeal dismissed – copy of the appeal decision attached</td>
</tr>
<tr>
<td>15/00009/VCOND</td>
<td>Home Farm, Main Street, Hopton</td>
<td>WR</td>
<td>Appeal allowed – copy of the appeal decision attached</td>
</tr>
<tr>
<td>15/00086/FUL</td>
<td>35 The Green Road, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of the appeal decision attached</td>
</tr>
<tr>
<td>15/00141/FUL</td>
<td>Halfway House, Clifton Road, Clifton</td>
<td>WR</td>
<td>Appeal dismissed – copy of the appeal decision attached</td>
</tr>
<tr>
<td>14/00354/OUT</td>
<td>Leys Farm, Wyaston Road, Ashbourne</td>
<td>PI</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>14/00771/PDA</td>
<td>Chapel Farm, Hollington</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>13/00565/FUL</td>
<td>Barn at Riggs Lane, Marston Montgomery</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00048/FUL</td>
<td>Land east of Glebe Farm, Doveridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>14/00073/VCOND</td>
<td>Crowtrees, Thurvaston Lane, Longford</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00261/FUL</td>
<td>Sturston Hall Farm, Sturston, Ashbourne</td>
<td>WR</td>
<td>Appeals being processed</td>
</tr>
<tr>
<td>15/00262/LBALT</td>
<td>ENF/15/00014</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15/00089/FUL</td>
<td>Land at Dayfields Farm, Atlow</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00259/FUL</td>
<td>43 Station Street, Ashbourne</td>
<td>HH</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

### Central

<table>
<thead>
<tr>
<th>Reference</th>
<th>Site/Description</th>
<th>Type</th>
<th>Decision/Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/00704/FUL</td>
<td>25 Cavendish Road, Matlock</td>
<td>HH</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>Reference</td>
<td>Description</td>
<td>Type</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>T/14/00138/TPO</td>
<td>Beech Hurst, 228 Dale Road, Matlock Bath</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>14/00617/FUL</td>
<td>The Woodyard, Homesford, Whatstandwell</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00055/FUL</td>
<td>Argyll Cottage, Old Hackney Lane, Hackney</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00295/OUT</td>
<td>9 Eversleigh Rise, Darley Bridge</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00296/OUT</td>
<td>Nether Close Farm (Cattery), Starkholmes Road, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/00200/FUL</td>
<td>1 Hawleys Close, Hawleys Close, Matlock</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>ENF/13/00022</td>
<td>Woodside Farm Buildings, Back Lane, Darley Moor</td>
<td>H</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>15/000249/FUL ENF/15/00019</td>
<td>Sleepy Hollow Farm, Hopton Lane, Godfrey Hole, Wirksworth</td>
<td>WR</td>
<td>Appeals being processed</td>
</tr>
<tr>
<td>14/00871/VCOND</td>
<td>Knabb Hall Bungalow, Knabhall Lane, Tansley</td>
<td>WR</td>
<td>Appeal being processed</td>
</tr>
<tr>
<td>14/00698/OUT</td>
<td>Land off Wheeldon Way, Hulland Ward</td>
<td>IH</td>
<td>Appeal being processed</td>
</tr>
</tbody>
</table>

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

**OFFICER RECOMMENDATION:**

That the report be noted.
Appeal Decision

Site visit made on 2 September 2015

by F Rafiq BSc (Hons), MCD, MRTP

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

Decision date: 25 September 2015

Appeal Ref: APP/P1045/W/15/3008843
Parkfields Byre, Offcote, Kniveton, Ashbourne, DE6 1JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tony Kemish against the decision of Derbyshire Dales District Council.
- The application Ref 14/00641/FUL dated 1 October 2014 was refused by notice dated 28 November 2014.
- The development proposed is described as a "new driveway access to the Dyre and remove the existing access".

Decision

1. The appeal is dismissed.

Procedural Matter

2. A plan was submitted alongside the appeal, which was not considered by the Council during the course of the appeal application. This illustrates the extent of the hedge that will need to be removed, and in part replaced. This further plan does not alter the development, and as it would not prejudice any other parties to this appeal, I have considered it in determining this appeal.

Main Issue

3. I consider the main issue is the effect of the development on the character and appearance of the countryside.

Reasons

4. The appeal site comprises of a former barn, which has been converted to a dwellinghouse, and part of a field and grassed area between this building and Kniveton Lane. Parkfields Farm is located adjacent to the appeal site and shares a vehicular access point with it off Kniveton Lane. The area contains small groups of buildings set within the open rolling countryside, with the landscape more immediately around the appeal site characterised by fields bounded by hedgerows and trees.

5. The proposed driveway would be accessed off Kniveton Lane around 110m to the south of the existing access and it would sweep across a grassed area towards the appeal dwelling. The proposed access would require the removal of a section of hedgerow at the front boundary with the lane. Part of the removed

www.planningportal.gov.uk/planninginspectorate
hedge would be replaced with a native hedge species set further back to provide adequate visibility. Whilst this would mature and become established over time, its setback would result in a somewhat unnatural positioning. I also appreciate the proposed access has been carefully located so that the removal of the hedge would be kept to a minimum, and that other openings break the continuity of the hedgerow further along the lane. Nevertheless, the hedgerow is an important feature that softens the sites frontage and, I consider its removal to create an access would adversely affect the character of the country lane, eroding the rural character of the countryside.

6. I therefore conclude that the proposal would cause material harm to the character and appearance of the Countryside. It would be contrary to Policies SF4, SF5, NBE7 and NBE8 of the Derbyshire Dales Local Plan (Local Plan), which seek to ensure, amongst other matters, that development is appropriate to the local area and it does not have an adverse effect on landscape features such as hedgerows.

7. I note the appellant states that the proposal follows changes from when two separate drives existed, and is required to improve safety by obtaining a separate access rather than utilising a shared one. Whilst there may be some safety benefits, I do not consider the proposal constitutes development in the countryside that is essential under Policy SF4 of the Local Plan. In any event, Local Plan Policy SF4 and the core planning principles of the National Planning Policy Framework also require development to preserve or enhance the character and appearance of the countryside, and for planning to recognise its intrinsic character and beauty, which this proposal would fail to do.

Other Matters

8. I recognise that the prior advice of the highway authority was sought which was reflected in the appeal proposal. The new driveway would also be in keeping with the surfacing of the existing access, and in itself, the drive would have a limited visual impact. I have also taken into account a secondary field boundary hedge, which is proposed, and that this would represent an overall increase in the amount of hedgerow. However, these matters would not however outweigh the harm to the countryside that I have identified through the loss of the hedgerow along the prominent front boundary.

Conclusion

9. For the reasons given above and having considered all other matters raised, including supporting representations from nearby owners and occupiers, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR
Appeal Decision

Site visit made on 14 July 2015

by David Richards  BSocSci DipTP MRTP
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 September 2015

Appeal Ref: APP/P1045/W/15/3014947
Land and Buildings to the south east of the arcaded barn, Hopton, Wirksworth, Matlock, Derbyshire, DE4 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms and Mr Terri and Vance Leahy against Derbyshire Dales District Council.
- The application Ref 15/00009/VCON is dated 22 December 2014.
- The application sought planning permission for three holiday let cabins without complying with a condition attached to planning permission granted on appeal Ref T/APP/P1045/A/96/268794 & 268795/P4, dated 12 March 1997.
- The condition in dispute is No 3 which states that: ‘The holiday units hereby permitted shall not be occupied for permanent residential use and shall not be occupied by any person or group of persons for more than 28 days in any calendar year; a register of occupants shall be kept and made available to the Local Planning Authority on request.’
- The reason given for the condition was 'in view of the nature and location of the proposed development.'

Decision

1. The appeal is allowed and planning permission is granted for three holiday let cabins at land and buildings to the south east of the arcaded barn, Hopton, Wirksworth, Matlock, Derbyshire, DE4 4DF in accordance with the application Ref 15/00009/VCON dated 22 December 2014, without compliance with condition number 3 previously imposed on planning permission granted on appeal Ref T/APP/P1045/A/96/268794 & 268795/P4, dated 12 March 1997 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new conditions:

1) The development hereby permitted must be begun before the expiration of three years from the date of this permission.

2) Except as required by any other condition attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: 1017-001; 1017-003 A; 1017-004.

3) Notwithstanding the submitted details a further plan to define precisely the extent of domestic curtilage associated with each of the dwellings hereby approved shall be submitted to and approved in writing by the
local planning authority. The approved domestic curtilages shall be provided before any of the dwellings are first occupied, and thereafter retained for the lifetime of the development.

4) Details of parking provision within the individual curtilages of the dwellings shall be submitted for the approval of the local planning authority in writing and the parking provision shall be laid out in accordance with the approved details before any of the dwellings hereby approved are first occupied and thereafter retained for the life of the development.

5) A scheme for the storage of domestic refuse bins, as well a bin dwell area clear of the highway for use on refuse collection days, shall be submitted for the approval of the local planning authority in writing and the scheme shall be carried out in accordance with the approved details before any of the dwellings are first occupied, and thereafter retained for the life of the development.

6) Notwithstanding the submitted details, full details of a scheme of hard and soft landscaping, including boundary enclosures, shall be submitted to the local planning authority for approval in writing before any of the dwellings are first occupied. Details shall include plant species, including planting densities, the number of each species to be planted and plant protection measures, and a timetable for carrying out the works.

7) All soft landscaping comprised in the approved details shall be carried out in the first plating and seeding season following the first occupation of the dwellings, or in accordance with the agreed timetable. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development, or in accordance with the agreed timetable.

Main Issues

2. The effect of the proposal on the character and appearance of the countryside, and whether the proposal would make satisfactory provision for off-site affordable housing.

Reasons

3. The appeal is against the non-determination by the Council of the application to remove the disputed condition. The application seeks to delete a condition to which the previous permission was subject, to allow permanent residential occupation of the holiday accommodation. Notwithstanding the original description of development of three holiday let cabins, the effect of removing the condition would be to allow permanent occupation as residential dwellings.

Character and appearance of the countryside

4. The three units are constructed in timber and tile facing materials on a stone plinth wall. The site lies in a countryside location near to, but slightly detached
from, the small settlement of Hopton. Vehicle access is via a track from the by-pass road which was built at the same time as the construction of the nearby Carsington Water. It is a location where planning permission would not normally be granted for dwellings intended for permanent residential occupancy in accordance with policy SF4 of the Derbyshire Dales Local Plan (LP), adopted in 2005. This policy states that development will only be permitted in the open countryside if it meets the specified criteria, including if it assists the growth of tourism. The grant of permission for tourist accommodation was made in the context of a similar policy in the Derbyshire Structure Plan, part of the development plan at the time.

5. The National Planning Policy Framework (‘the Framework’) has been adopted since the LP. While the development plan is the starting point, the Framework is an important material consideration in the determination of planning applications. Paragraph 55 advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances which include where development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

6. In this case the appellants state that the use for holiday accommodation has proved unviable and the buildings unoccupied. That was borne out by what I saw on my site visit. While the buildings were generally sound, the three units appeared to be unoccupied, with no obvious signs of recent occupation. The site was maintained, but had an air of disuse.

7. I acknowledge that there is no evidence of recent attempts having been made to market the units as holiday accommodation. My visit took place in early summer, outside the summer holiday season. The cabins did not appear to be in a condition where they could let be out. There is no reason to suppose that the holiday units had been deliberately neglected, or that they would not have been maintained in a condition suitable for holiday lets if there was ready demand. This tends to confirm the appellants’ assertion that the holiday use has not proven viable.

8. I accept that the proposal would involve conflict with Policy SF4 of the LP. Nevertheless the proposal concerns the reuse of redundant buildings for housing which is a key objective of national planning policy guidance, and offers an opportunity to improve the appearance of the existing development, by providing a landscaped setting for the individual dwellings and soften their currently rather stark appearance. Such improvements could be secured by new conditions attached to the permission. Extensions, alterations and garden buildings which could damage the rural setting of the dwellings would be prevented by carrying forward a condition preventing specified forms of permitted development attached to the original permission. This would remain in force and I consider that there are good reasons for retaining it having regard to the history, character and countryside location of the original development.

9. I therefore conclude that the proposal would be acceptable in the countryside in accord with the advice in paragraph 55 of the Framework. As such it would not result in material harm to the character and appearance of the countryside.
Affordable housing

10. Saved Policy H12 of the LP states that ‘in determining applications for residential development outside defined Settlement frameworks, the Council will seek to negotiate a financial or other contribution towards the provision of affordable housing on suitable sites elsewhere in the plan area.’

11. At the time of the application, the appellants relied on then current provisions in Planning Practice Guidance which effectively prevented Council’s from seeking contributions to affordable housing through section 106 obligations on sites of 10 dwellings or fewer. Following a successful challenge to this policy in the High Court, the Secretary of State removed the relevant paragraphs from the Planning Practice Guidance. In the circumstances, Policy H12 of the LP remains part of the development plan and is therefore a part of the policy matrix which retains considerable weight.

12. The judgment was dated 31 July 2015, and the parties were subsequently consulted on their views as to its relevance to the determination of the appeal. In response, the appellants accepted that saved Policy H12 can be given weight in the determination of the appeal and offered to make an appropriate contribution to the provision of off-site affordable housing through a unilateral section 106 obligation.

13. An executed obligation dated 28 August 2015 was submitted to the Planning Inspectorate on 8 September 2015. The obligation undertakes to pay to the Council prior to or upon the date of the first occupation of each of the existing buildings as a dwelling the Affordable Housing Contribution of £31,098.67. This level of contribution is commensurate with the level of contribution at Kennel Meadows Farm in 2010, in association with the lifting of conditions preventing permanent residential occupation of a converted barn. I consider that this obligation is necessary to make the development acceptable and otherwise meets the tests set out in the paragraph 204 of the Framework.

14. With the obligation in place, I consider that the appeal proposal accords with the provisions of Policy H12 of the LP.

Other matters

15. The appellants also draw attention to the Council’s present inability to demonstrate a five year supply of housing land. Paragraph 47 of the Framework urges local planning authorities to boost significantly the supply of housing and meet the full objectively assessed needs for market and affordable housing. Paragraph 14 of the Framework advises that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The Council states that it can presently demonstrate a three to four year supply of housing land. In this circumstance the LP policies which are relevant to the supply of housing are to be regarded as out of date, and the lack of a five year supply adds further weight to the case for allowing the appeal.

1 West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin).
16. The appellants contend that ‘the conjoined villages of Hopton and Carsington provide a local service centre for the parish and include a primary school, pub, church and church hall.’ They draw attention to a pedestrian and cycle access through the Home Farm complex to the village centres. There is also a bus service between Ashbourne and Matlock which serves the villages. Nevertheless I accept that for many purposes occupiers would be reliant on the car for shopping and other services, as well as employment. I acknowledge that the location is less than optimal in terms of travel sustainability. However the presence of some services locally is a factor to be taken into account as offsetting the somewhat limited potential for travel by means other than the private car, and the re-use of existing sound buildings and the provision of additional housing are positive factors in terms of sustainability.

**Conclusion**

17. The appellants have entered into an obligation which would secure an appropriate contribution to the provision of affordable housing in accordance with LP policy. While the existing buildings lie in an area where planning permission would not normally be granted for market dwellings, the Framework and the associated Planning Practice Guidance advise that local planning authorities should boost the supply of housing significantly, where possible by encouraging the reuse of existing buildings and particularly in circumstances where a five-year supply of housing land cannot be demonstrated.

18. In this policy context I find that the benefits of the scheme clearly outweigh any disadvantages and planning permission should be granted.

19. In addition to the commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of proper planning and to define the permission. A condition requiring submission of a further plan defining individual curtilages is necessary to define the extent of the individual plots in the interests of certainty. Conditions requiring details of parking and bin storage to be submitted for approval are necessary to ensure satisfactory provision of these important features. Landscaping conditions are necessary to secure a satisfactory appearance. Other conditions from the original grant of permission (Ref. T/APP/P1045/A/96/268794 & 268795/P4) which are still subsisting and capable of taking effect (including those which concern the removal of permitted development rights) are carried forward into this permission. I do not consider that it is necessary to attach a condition addressing the storage of plant and materials on site as suggested by the Council as any operational works required are likely to be relatively minor in nature.

*David Richards*

INSPECTOR
**Appeal Decision**

Site visit made on 10 August 2015

**by Jonathan Price BA(Hons) DipTP MRTPI DMS**

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

**Decision date: 21 September 2015**

**Appeal Ref: APP/P1045/W/15/3031298**

35 The Green Road, Ashbourne, Derbyshire DE6 1ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs J.E.C. Sayers against the decision of Derbyshire Dales District Council.
- The application Ref 15/00086/FUL, dated 12 February 2015, was refused by notice dated 10 April 2015.
- The development proposed is for the construction of a single dwelling on land within the curtilage of 35 The Green Road, Ashbourne.

**Decision**

1. The appeal is dismissed.

**Main Issues**

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of neighbouring residents.

**Reasons**

*Character and appearance*

3. The Green Road is characterised by a linear pattern of development with housing fronting and set back from the road establishing an even building line that falls back gradually further to the east as the houses become detached with larger front gardens. The appeal property and its two immediate neighbours have somewhat longer back gardens than the houses further to the east which back onto a school.

4. Whilst there is some housing on more substantial parcels of land beyond and to the north, the appeal proposal would be situated within a much more restricted site than these and closer to the adjacent properties on The Green Lane. Due to its proposed position the new dwelling would be in marked contrast to the prevailing pattern of residential development in this area.

5. The land rises steeply from the road in this location and the proposed dwelling would be cut into the elevated garden at the rear of the existing house which I consider would help reduce its height and visual impact such that it would have a limited impact on the existing street scene. Whilst the design proposed would help preserve the appearance of the area when viewed from the road I do not consider a dwelling sited within this back garden area would preserve the overall character and appearance of the area nor relate well to the pattern.
of housing development that surrounds it. Consequently I consider it would not meet the full requirements of saved Local Plan\(^1\) Policy SF1.

6. Local Plan Policy H1 allows new housing development within settlements where it represents infilling or consolidation that respects the settlement's character, appearance and setting. A dwelling in the back garden of the existing property on the appeal site would detract significantly from the present character of the area which is typified by detached properties with large undeveloped gardens to the rear. Furthermore, it would conflict with Policy H9 which requires the design and appearance of new housing to be in character with its surroundings.

7. The proposed dwelling is of a good quality contemporary architectural design and I appreciate that through this, and the way it would be positioned at a low profile within the existing topography of the site, its visual impact would be minimised as far as possible. Notwithstanding this I consider that a dwelling of such a design set within this back garden site would fail to preserve the quality and distinctiveness of surroundings characterised by more traditionally designed houses built to an established building line and at a similar density with generous gardens. For this reason I consider this proposal would conflict with saved Local Plan Policy SF5.

8. The Local Plan policies are consistent with the more recent National Planning Policy Framework\(^2\) which states in Paragraph 60 that whilst these should not attempt to impose architectural styles or particular tastes nor stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles they do have a proper role to promote or reinforce local distinctiveness.

Living Conditions

9. Policy H9 of the Local Plan allows for the design of new housing that does not have a detrimental impact upon the amenities of adjacent properties. It does not allow for housing within the curtilage of a dwelling unless adequate privacy and amenity for both the proposed and existing dwellings can be provided.

10. The low profile, split-level design of the proposed dwelling, and its position within an excavated part of the rising slope of the site, would go some way in mitigating its impact on the immediate neighbours. In addition, the proposal to maintain and reinforce existing planting around the site would help lessen the impact of the development on the outlook of the neighbours and reduce overlooking.

11. Notwithstanding these factors I consider that a new dwelling in close proximity to both neighbouring boundaries would still have a significantly adverse impact on the outlook presently experienced and the level of quietude and seclusion these gardens currently provide. Detached properties with large rear gardens like those next to the appeal site offer the reasonable expectation of a degree of privacy and seclusion that might not be available to residents of more densely built-up areas.

12. I consider that Policy H9 is consistent with Paragraph 53 of the Framework which states that local planning authorities should consider the case for setting

---

\(^1\) Derbyshire Dales Local Plan Adopted November 2005

\(^2\) National Planning Policy Framework - Department for Communities and Local Government March 2012.
out policies to resist inappropriate development of residential gardens, for
example where development would cause harm to the local area.

13. Whilst the proposal provides and maintains an adequate amount of private
outdoor space for both the existing and proposed dwellings on the appeal site I
consider that the intensification of activity that would come about from
introducing an additional family-sized dwelling in this garden area, particularly
sited close to the boundaries of the properties either side, would inevitably
reduce the levels of seclusion and quietude enjoyed by the neighbours such as
to have an unacceptably detrimental impact on their present living conditions.

14. Notwithstanding the attempts to minimise harm through the design proposed I
consider that a dwelling here would have an unacceptably adverse impact on
the present living conditions of both neighbours due to a loss of privacy and
seclusion and increased levels of disturbance and therefore be contrary to
Policy H9.

15. The local authority refers to Local Plan Policy TR1 regarding the access
requirements in its grounds of refusal in respect of detriment to amenity arising
from traffic movements. Whilst I note that the proposal involves no additional
car parking beyond the four spaces currently available for the existing house I
do consider that the addition of a further dwelling would be likely to increase
traffic movements into the site generally and that this would add further to the
overall impact on the living conditions of neighbours. The proposal to re-locate
two parking spaces to the front of the existing dwelling to meet its future needs
would add a degree of additional disturbance to the neighbour at number 37.

Other Matters

16. I recognise that the proposed dwelling would be within a main settlement and
in a sustainable location in terms of proximity to services, facilities and public
transport. The design of the proposed dwelling, in being built to Passivhaus
standards, would achieve a high level of energy efficiency and be sustainable
also in that respect. However I do not consider these sustainability factors
sufficient to outweigh my general concerns over the effect of this proposal on
the character and appearance of the area and on the living conditions of
immediate neighbours.

Conclusion

17. For the reasons set out above, and having taken account of all other matters,
the appeal is dismissed.

Jonathan Price

INSPECTOR
Appeal Decision

Site visit made on 8 September 2015

by Elaine Worthington BA (Hons) MTP MUED MRPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2015

Appeal Ref: APP/P1045/W/15/3106027
Halfway House, Clifton Road, Clifton, Derbyshire, DE6 2DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs E M Bull against the decision of Derbyshire Dales District Council.
- The application Ref 15/00141/FUL, dated 3 March 2015, was refused by notice dated 29 April 2015.
- The development proposed is proposed alterations to, and extension of, existing garage to form a single holiday let unit.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the proposal would result in the extensive alteration or extension of the garage, and its effect on the character and appearance of Halfway House and the surrounding area.

Reasons

3. The appeal property is large detached two storey house with a detached garage. The garage has an upper floor which is accessed via an external staircase and is used for storage. The site is within the countryside and outside the settlement framework boundary set out in the Derbyshire Dales Local Plan (Local Plan). Local Plan Policy EDT19 is permissive of new tourist accommodation outside defined settlements only where it reflects sustainable rural tourism and involves the conversion of suitable existing rural buildings where this would meet sustainable development objectives. It sets out a number of criteria. There is agreement between the parties that the appeal proposal involves the re-use, adaptation or change of use of an existing domestic garage which is of a permanent and substantial construction and meets criterion (a) and (b).

4. However the proposal also includes an extension to the rear of the garage. Criterion (c) requires the form, bulk and general design of a proposal to make a positive contribution to the character and appearance of its surroundings, criterion (d) indicates that the building should be capable of being converted without extensive alteration, rebuilding or extension, and criterion (e) requires the conversion not to have a detrimental impact upon the character and appearance of the building, or group of buildings, or its surroundings.
5. The proposed extension would project some 5.2 metres rearwards of the existing building to almost its full width. Its construction would require the substantial excavation of the steeply sloping garden land to the rear of the garage. It would have a pitched roof to the same height as that of the existing building. Thus it would be a significant addition which would substantially enlarge the garage and effectively double its footprint. As such, in my view the proposal would result in the extensive alteration or extension of the building. This would be contrary to the aim of achieving sustainable rural tourism set out in Local Plan Policy EDT19.

6. I appreciate that the overall plot is sizeable and the proposal would provide modest two bedroom family holiday accommodation. The extension would be single storey and the appellant indicates that it would extend to the rear of the garage by only around 26 square metres. In terms of materials and design details the proposal would match the existing garage and house and the replacement of the garage door with two windows to the front elevation would not alter its appearance unduly.

7. That said, although the extension would be to the rear of the garage, it would nevertheless be a large and bulky addition. It would considerably increase the size of the garage and overwhelm its current relatively modest form. Despite being in an elevated position above the road, the significantly increased depth of the building would be visible in views from Clifton Road. Whilst I am not persuaded that the proposal would result in the garage over dominating the main house (which is of a considerable size and much taller than the garage) the proposal would nevertheless undermine the garage’s appearance as an ancillary building. This would result in it being seen as less subordinate to the main house and more as a sizeable separate unit.

8. As such, due to its scale, the proposal would unacceptably dominate the appearance of the garage and would result in an awkward visual relationship between it and the main house. The proposal would thus result in the introduction of an incongruous feature in the street scene which would fail to make a positive contribution to the character and appearance of its surroundings. That there is a variety of plot sizes and building designs along Clifton Road, and that the site is not within a Conservation Area or close to any listed buildings, would not lessen its detrimental visual impact.

9. I therefore conclude on this issue that the proposal would result in the extensive alteration or extension of the garage and would have harmful effect on the character and appearance of Halfway House and the surrounding area. This would be contrary to Local Plan Policy EDT19 and Local Plan Policy SF5 criterion (a) of which requires the scale, density, massing and height of development (amongst other things) to preserve or enhance the quality and local distinctiveness of its surroundings. It would also fail to support the core planning principle of the National Planning Policy Framework (the Framework) to seek to secure high quality design.

Other matters

10. The proposal would provide good quality holiday let accommodation close to Alton Towers and the Peak District National Park. The proximity of the house to the holiday unit would be advantageous to the running of the business which would support the local economy. Paragraph 28 of the Framework seeks to support economic growth in rural areas in order to create jobs and prosperity.
by taking a positive approach to sustainable new development. Support is also afforded to sustainable rural tourism developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside (including supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres). Whilst this lends support to the scheme, given its relatively limited scale the proposal’s contribution to economic growth would be modest.

11. I acknowledge that the garage is no longer required and the proposal would provide the appellant with a new business and social interest along with an income. Whilst this counts in favour of the proposal, I am not convinced that the appeal scheme is the only way in which such benefits could be achieved, and this limits the weight I attribute to this factor.

12. Thus, these benefits of the scheme, taken individually or together, would be insufficient to outweigh the harm I have identified in relation to the main issue in this case.

13. The appellant considers the scheme would minimise the risk and fear of crime and disorder, provide adequate space for pedestrians and cycles, and maximise energy efficiency. Despite concerns raised by the Parish Council, the Council and Derbyshire County Council raise no objections to the proposal in terms of highway safety (subject to the imposition of conditions). Nor does the Council have any concerns in terms of residential amenity or neighbourliness. The absence of harm in these regards counts neither for, nor against the proposal.

14. The lack of objections from third parties is not in itself a reason to allow development that I have found to be harmful and contrary to the development plan.

15. Finally, I note the appellant’s reference to paragraphs 186 and 187 of the Framework and her point that the Council did not enter into any dialogue with her prior to the application being refused. However, this is a matter between the appellant and the Council. I confirm that I have considered the proposal on its own planning merits and made my own assessment as to its potential impact.

**Conclusion**

16. For the reasons set out above, I conclude that the appeal should be dismissed.

*Elaine Worthington*

**INSPECTOR**