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28 August 2015

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday 08 September 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written in a cursive style.

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the **Town Hall, Matlock** at **2.45pm 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 – 11 August 2015

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

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Resurfacing works and repositioning of ticket machines at Shawcroft Car Park, Park Road, Ashbourne	
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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 Town Hall, Matlock at 2.45pm prompt for the following site visits:

**2.55pm Application No. 15/00480/OUT
LAND OFF PARK LANE, TWO DALES**

Requested by Ward Member to assess the impact of the development upon the landscape character of the area and to get a further appreciation of highway constraints.

**3.20pm Application No. 15/00417/FUL
JACKSON CROFT, 7 GREEN CLOSE, MATLOCK**

Requested by Ward Member to assess the impact of the extension on the character and appearance of the dwellinghouse within the Conservation Area.

**3.45pm Application No. 14/00778/OUT
LAND OFF PUMP CLOSE, STARKHOLMES**

Requested by Ward Member to assess the impact of the proposal upon the character and appearance of the area and the amenity of neighbouring residents.

**4.20pm Application No. 15/00467/FUL
MEADOW FLECK FARM, ASHBOURNE ROAD, CARSINGTON**

Requested by Ward Member to assess the impact of the proposal within the landscape

5.00pm RETURN TO TOWN HALL, MATLOCK

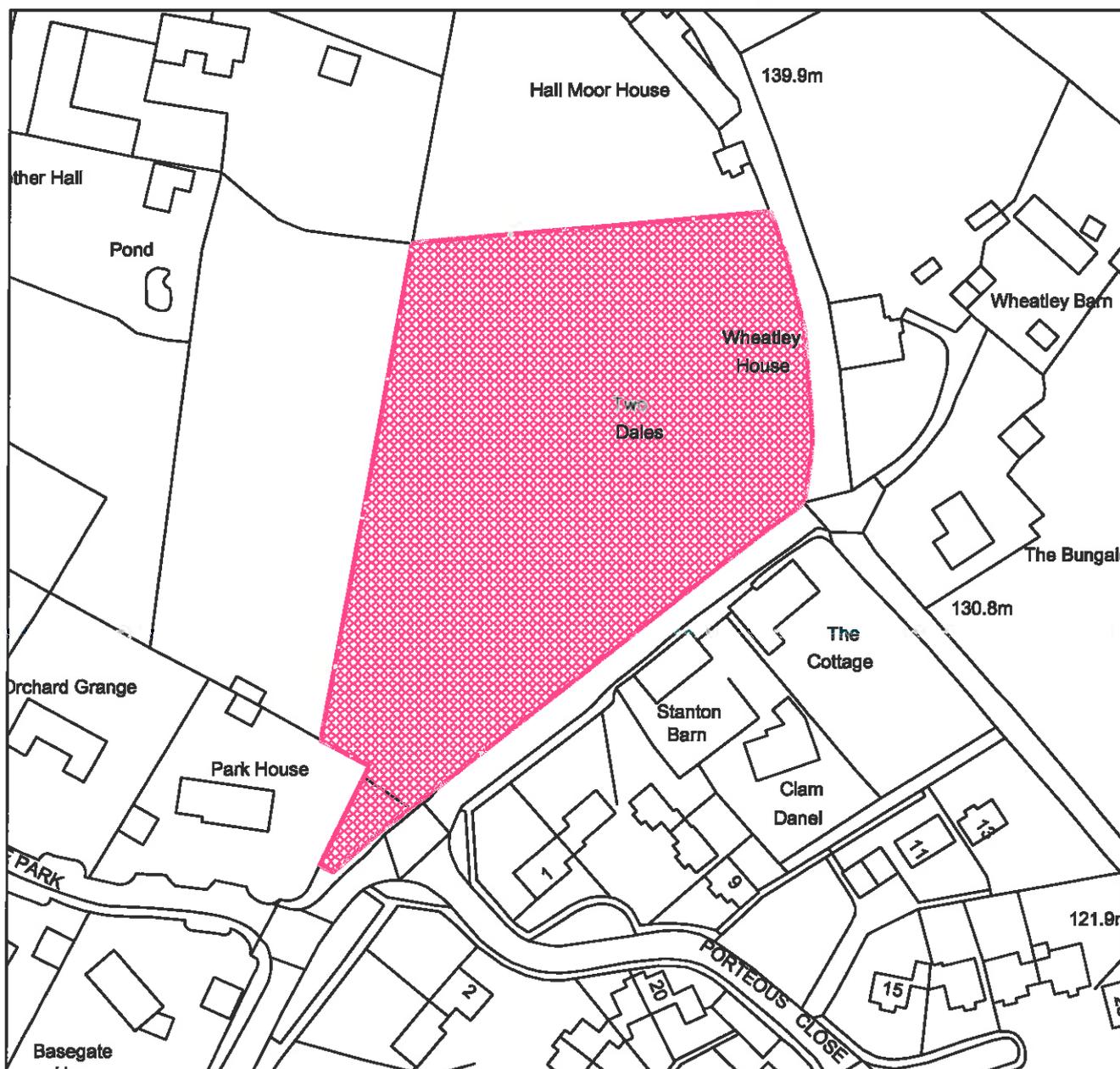
COMMITTEE SITE MEETING PROCEDURE

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

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

15/00480/OUT

Land off Park Lane, Two Dales



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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

15/00480/OUT RESIDENTIAL DEVELOPMENT (OUTLINE) FOR UP TO 13 DWELLINGS AT LAND OFF PARK LANE, TWO DALES FOR WILDGOOSE CONSTRUCTION LTD.

Town Council: Darley Dale
Application type: Outline

Date of receipt: 13.07.15
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site is a grassed field in open countryside on the northern edge of Two Dales outside the Settlement Framework boundary. The field slopes quite steeply down from north to south. It is in private ownership and there is no public access to it.

The site is bounded on its south eastern side by Park Lane, which becomes Hallmoor Road as it skirts round the site on its eastern side. To the north, the boundary is defined by a timber post and rail fence associated with the neighbouring property at Hall Moor House where there is also a stable block and a belt of mature trees that extends along the boundary.

In the west the field extends up to a stone wall which separates the field from gardens associated with properties at The Park and others to the north; tree and shrub planting within the gardens is extensive and creates a well vegetated belt along this side.

The most prominent feature within the street scene associated with the site is the substantial stone wall and associated native species hedgerow alongside the roads. In terms of landscape character, the site is within the Settled Valley Pasture landscape type of the Dark Peak landscape character area. The site and its surroundings are typical of the type in the following respects:

- Moderate to steep lower valley slopes dissected by stream valleys
- Pastoral farming with extensive improved pasture
- Wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and tree groups around settlement and farmsteads
- Small irregular fields enclosed by mixed species hedgerows and occasional dry stone walls
- Network of winding lanes with irregular verges, sometimes sunken on steeper slopes.
- Enclosed landscape with views filtered by trees.

The field is at the foot of the long steep slope that runs along the northern side of Two Dales, Darley Dale, Matlock and beyond marking the sharp transition from the high moorland to the valley of the river Derwent. The slope is densely wooded particularly where local streams have cut deeply into it on their way to the river. The roads that climb the hill (including Park Lane and Hallmoor Road) are few in number, narrow, winding and, sometimes, very steep.

Historically, the slope has been difficult to develop and settlement was concentrated in the lower parts of the valley with only isolated farmsteads on the higher ground. Later, larger dwellings in extensive grounds were established in considerable numbers across some of, even, the higher parts of the slope. Nevertheless development here remains fragmented and generally maintains a high degree of tree cover.

15/00480/OUT (Continued)

More recently, extensive and more densely concentrated residential developments have pushed northwards from the valley floor. The application site sits between the more fragmented development on the middle to higher parts of the slope and more concentrated development below. It is in an area/ belt on the edge of the settlement which is very mixed in terms of land use with remnant farmland, wooded slopes, recreational amenities and open spaces, residential developments and some industry.

The site is overlooked by some residential properties on Park Lane, Hallmoor Road and The Park and it is quite prominent within the view from the south along Park Lane. As the road starts to climb the hill, it cuts into the slope and views into the site from it are, generally, screened by the roadside wall. Views to it from further afield, and even within the close neighbourhood, are effectively screened or heavily filtered by trees, shrubs, hedgerows and other planting on the hillside or within private gardens. Longer views from the east and, possibly, the south are seen within the context of extensive existing development.

The site is adjacent to what is thought to be the location of Darley Hall or Nether Hall (Derbyshire HER 9815), dating from the 14th century or earlier and representing a medieval precursor to the current Darley Hall dating from around 1796 and standing a little way to the south. It is thought that the medieval hall stood approximately on the site of Nether Hall Farm, with a stone barn of possible 17th century date (HER 9822) surviving to the south.

THE APPLICATION:

Outline planning permission is sought for the erection of up to 13 dwellings. All matters are reserved for later consideration albeit details of the positioning of the access to the site have been submitted. The applicant has submitted a drawing detailing 13 detached dwellinghouses with garages; however, this is submitted for illustrative purposes only. Nevertheless, this details that, save for the location of the access proposed off Park Lane (to the north-east of Porteous Close) the existing boundary treatments will remain including the roadside wall and hedge. The applicant advises that the density would amount to approximately 17 dwellings per hectare which they consider appropriate when taking into account the topography of the site and its location on the edge of the settlement.

The applicant has submitted the following documents in support of their application:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Visual Receptor Assessment Plan
- Geophysical Survey
- Phase 1 Habitat and Protected Fauna Survey
- Tree Survey
- Tree Constraints Plans
- Topographical Survey
- Highway Impact Statement

The applicant has amended the 'indicative' site layout plan in order to reduce the impact on the character of the area while maintain a view across to Hall Moor Woods and in order to address some of the concerns of local residents and members of the Planning Committee in June 2015. The Design and Access Statement also refers to key design

15/00480/OUT (Continued)

drivers to minimise the impact of the development, to address the gradient and to maintain the rural character of Park Lane. In this regard the applicant advises the following:

- housing has been offset from Park Lane
- building heights are a mixture of single and two storey properties – restricting dwelling heights are considered to help to minimise any localised visual impact as a result of the development
- housing would be perpendicular to the slope of the land, with ridges of roofs running along the contours, to provide a sloped roofline leading towards Hall Moor Woods
- the repositioned access road would draw the eye towards the woods
- property located towards the lane would be single storey and/or dormer, to reduce visual impact and address concerns of overlooking
- housing has been set below the top of the site to reduce the prominence of the development in the wider landscape
- propose to integrate stone walling, native hedgerow and scattered tree planting whilst retaining as much existing wall and hedgerow as possible whilst providing the requisite access road visibility splay
- at the site entrance new hedging will run into the site to retain the lane's green character.

The applicant has submitted additional information regarding the recent Asker Lane appeal decision.

RELEVANT HISTORY:

15/00034/OUT Residential Development for up to 13 dwellings (Outline) – Refused.

CONSULTATIONS:

Town Council – Object:

- outside settlement boundary on previously undeveloped greenfield site – contravenes Development Plan
- does not meet local needs assessed objectively – number of new homes in Darley Dale in last 15 years almost double national population growth
- three strands to sustainable development (economic, social and environmental) – unsustainable as surplus of jobs or jobs created, impact socially on local facilities, building on green field and would destroy separation between Two Dales and Darley Hillside
- unable to judge quality without full application
- no indication of affordable housing
- no play area proposed
- impact on impressive view of Hallmoor and Halldale Woods owned by the Woodland Trust
- new residents would have to commute daily on constrained local highway network
- photographs submitted with the application are not representative of traffic and parking in the area.

Local Highway Authority – No objection – see comments in the ISSUES section below on previous and current proposal.

DDDC Head of Housing – Comment:

- there have been several recent developments of affordable housing in the Darley Dale and Two Dales area

15/00480/OUT (Continued)

- these have taken up much of the housing need and would not be too concerned about seeking an onsite contribution and therefore consider an off site contribution to be appropriate in this case.

DCC Strategic Planning

- no financial contributions are requested
- the requirements of the NPPF and Developer Contributions Protocol set out at Annex A are access to high speed broadband services for future residents and new homes designed to Lifetime Homes standard - both could be dealt with via informative notes attached to the planning permission
- Derbyshire Fire and Rescue Service should be consulted with regard to the installation of domestic sprinkler systems.

Environment Agency – Comment:

- application does not fall under a high risk to the environment or one that is able to offer significant environmental benefit and therefore we do not wish to comment further on these proposals
- planning application falls under the standing advice for surface water management for developments of less than 1 ha that take place in Flood Zone 1.

DCC Flood Risk Management Team – No objection subject to condition on SuDS.

DCC Countryside Officer – No comments received.

DCC Planning Control – Comment – proposed development would not adversely affect the minerals safeguarding interest.

REPRESENTATIONS:

Campaign to Protect Rural England (CPRE) – Derbyshire Branch – Object:

- would undermine the essentially rural character of the Two Dales fringe, undermine the tranquillity of the area, and intrude on the visual aspect from the village up to the hillside and Halldale Wood
- is an area with an essentially rural quality characterised by narrow lanes, established hedgerows, old houses and walls built in local stone, and a striking degree of tranquillity, given its proximity to the busy A6 road and local amenities
- approach to the site along Park Lane provides a gradual transition from the busy hub near the main road towards the quiet countryside of the hillside, a precious and irreplaceable local landscape feature and amenity
- approach is experienced both visually, in that the landscape gradually comes into view, with a rising green approach towards the hill, and also aurally, as there is a diminishing of background noise as the tranquil lanes are approached
- although small scale in nature, the proposed development would be large in comparison with its surroundings, which comprise small rural lanes with houses located individually, rather than in 'estate' type configurations
- NPPF has as a core principle, 'recognising the intrinsic character and beauty of the countryside' - believe the development would undermine the character and beauty of this particularly valued landscape and rural environment, which provides a haven from the busy developed areas nearby
- NPPF also, in section 11, para 123, requires planning authorities to take into account the tranquillity of local areas, even small pockets of tranquillity, such as here on the fringes of Two Dales and planning authorities are required to identify and protect

15/00480/OUT (Continued)

areas, even small local ones, which are 'relatively undisturbed by noise' - contend that this corner of Two Dales is one such area, and the addition of a development at this scale, would adversely impact on its tranquillity, as a result of increased road traffic and other activity.

29 letters of representation from 26 neighbours and local residents and a Derbyshire resident. The comments can be summarised as follows:

Policy and Sustainability

- not located within the defined Settlement Boundary and undeveloped site
- while up-to-date Local Plans and Neighbourhood Plans are being compiled, existing policies must still be adhered to and unsuitable proposals should be refused
- desirable to have an up-to-date Local Plan, not mandatory – outdated plan should carry significant weight
- previously developed land should be used before greenfield site
- would put more pressure on medical, educational and utilities infrastructure already stretched in the area
- no surplus of jobs and development will not create new jobs
- strain on medical and school facilities
- other brownfield sites in Darley Dale where houses could be built which should be considered first
- should defer all contentious planning applications until a Local Plan is in place
- refer to appeal decision in Warwickshire (no details provided).
- development proposal contrary to local opinion.

Housing Need

- no evidence to suggest that large numbers of houses are needed in this rural location
- lack of jobs to support occupiers of dwellinghouse
- no minimum contribution to affordable housing and would not meet genuine local needs
- 13 dwellings would not solve the housing crisis
- no evidence that development is required to house people currently living in Darley Dale
- a considerable number of new residents would need to commute
- could be changed to 20 houses at a later date with further submissions.

Impact on Character and Appearance of the Area

- impact on view of the hillside
- overbearing and dominant
- out of character with the village
- impact of light pollution in a currently natural setting linking to open countryside
- loss of valuable open pasture land used by horses
- a further housing estate would not be in keeping with the special character and beauty of the area
- would detract from the architectural and historical aspect of neighbouring property
- impact on historic wall
- should have regard to development being built in materials to blend with the existing housing on that side of the road

15/00480/OUT (Continued)

Impact on Landscape

- attractive piece of pasture land and a green-field site
- highly visible from the nearby lanes and from vantage points - popular with walkers, cyclists and horse riders
- threatens to merge it into the other local settlements
- would adversely change the character of this historic village
- would set a dangerous precedent for further developments on the extended green-field area of Darley Hillside
- start of the breakdown between the settlements of Two Dales and Darley Hillside

Highway Access and Traffic Management

- significant increase in number of vehicles
- inadequate highway infrastructure
- negative impact on the local road network
- highway safety concerns
- impact of additional traffic on Chesterfield Road junctions
- impact on elderly, children and people with disabilities - particularly at risk crossing roads
- no longer have a Crossing Warden
- narrow footpaths
- existing properties on Park Lane rely on very limited on-street parking
- traffic survey does not accurately reflect the true nature of traffic movement within the locality
- vehicle accidents and near misses
- a study has been submitted of highway and traffic issues

Drainage

- prevalence of springs along the hillside
- impact on the water table
- impact on the potential diversion of any spring water and how this may impact on the local ground and surface water run-off
- water drains onto the highway and freezes – highway safety issue
- potential to flood neighbours property.

Amenity

- loss of outlook for neighbouring residents
- restriction of views over the surrounding and distant countryside
- light pollution
- buildings will be intrusive and over-bearing
- increase to the general background noise levels and also creates the potential for specific noise nuisance from the activities of new residents who will reside there
- loss of privacy and reduction of residential amenity
- impact of development during construction
- no play area
- increase in air pollution.

Impact on Wildlife

- loss of local habitat for native flora and fauna
- impact on hedgerow.

15/00480/OUT (Continued)

Comments on the Asker Lane Appeal

- Planning Inspector in 1996 concluded that the Asker Lane site was virtually enclosed by development and could no longer be classed as part of the countryside - Park Lane is clearly countryside
- Asker Lane has full residential development on three sides and a school on the other - Park Lane has only one developed side
- Inspector recognised that Asker Lane had an "urban concept" - the opposite is true in the Park Lane case
- recent appeals have concluded that "despite a substantial local shortage in housing land that the harmful impacts clearly outweighed the benefits of developing the site "
- Inspector agreed that due to the townscape nature of the site there would only be a minor/moderate impact on the character of the site itself - this is clearly the opposite with any development on Park Lane having a catastrophic impact on character of the area and site itself
- Inspector considered the survival of the Asker Lane site as fields in such an urban area was unusual and as was implying it was strange the site had not already been subject to development – the land at Park Lane is rural in nature hence it is entirely correct that it has been protected and not the subject of development
- not comparing like with like - at best Asker Lane was semi-rural, Park Lane is rural
- the Local Plan Inspector (July 2014) commented on "high quality Derbyshire Dales landscape " and "that in November 2013 the Council had sufficient potential housing land, including sites with planning permission for 6419 dwellings over the relevant period" and "that with the environmental constraints in the area it may be necessary to re-open discussions with adjoining authorities under the provisions of the duty to cooperate " - makes it clear the intrinsic nature of the land is a valid planning consideration
- the answer to worries about any appeal would be to have maintained a consistent line of refusal sound in the knowledge that this would be supported on any appeal.

Other Matters

- application submitted in holiday season and many are away and unable to comment and many will not have opportunity to attend the Committee meeting if it is on 8th September
- development driven by pecuniary advantage rather than needs of local or national citizens
- to allow second application to be valid when first has not been appealed shows utter contempt for planning law and procedures and capable of high court challenge
- Planning Officers may have not acted in a neutral manner and have favoured the interest of the developer
- proposed development not advertised properly
- if a site visit is planned, request members drive along Wheatley Road – not wide enough for two cars as stated by Officer
- threat made to individual Councillors that they would be personally responsible for the costs of any Appeal is wrong in law and designed to exert undue pressure.

15/00480/OUT (Continued)

POLICIES:

1. Adopted Local Plan (2005)
 - SF4 Development In The Countryside
 - SF5 Design and Appearance of Development
 - H4 Housing Development Outside Settlement Frameworks
 - H9 Design and Appearance of New Housing
 - H11 Affordable Housing Within The Settlement Frameworks Of Other Settlements
 - H12 Alternative Provision For Affordable Housing Outside Settlement Frameworks
 - H13 Affordable Housing Exceptional Sites In Rural Areas
 - NBE5 Development Affecting Species Protected by Law or are Nationally Rare
 - NBE6 Trees and Woodlands
 - NBE8 Landscape Character
 - NBE16 Development Affecting a Listed Building
 - NBE26 Landscape Design in Association with New Development
 - L6 Outdoor Playing Space in New Housing Developments
 - 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 - Landscape Character and Design Supplementary Planning Document (2007).

ISSUES:

1. Introduction - Background

This application is being presented to the Committee further to the refusal of outline planning permission for up to 13 dwellings at the meeting on 24th June 2015 (ref:15/00034/OUT). The reason for refusal of planning permission was:

1. The proposed development will result in the loss of an attractive green field site which helps to both frame the settlement and also appears prominently in views out of the settlement to the wooded hillside of Hallmoor Wood beyond. The residential development of this field would be an intrusion into the countryside that will have an adverse impact upon the character and appearance of the landscape and the setting of the settlement. The adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits, and the proposal is considered contrary to Policies SF5 and NBE8 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Rather than submitting an Appeal to the Planning Inspectorate, the applicant has submitted further information in support of this current application to seek to present a case for the balance in favour of the development.

15/00480/OUT (Continued)

2. Policy

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

The site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005) and normally regard would be given to Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

Given the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context 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. Therefore, Policy H4 of the Adopted Local Plan (2005) can be attributed no weight given that this seeks to restrict residential development, except in exceptional circumstances such as for affordable housing or essential rural worker's dwellings, where such development is outside of Settlement Framework boundaries. This is also the case with regard to Policy SF4 as this limits the housing that can be allowed in the countryside to specific classes and does not envisage meeting needs outside the Settlement Framework.

Given the above, the District Council has to have particular regard to Paragraph 14 of the NPPF in the decision making process. This states that where the Local Plan is absent on this matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF. As such, there is a presumption in favour of the development unless other material considerations determine otherwise. One such matter is that of sustainability which is the 'Golden Thread' running through government guidance contained in the NPPF which is assessed below.

However, there are several Local Plan Policies that remain consistent with the NPPF. In considering the site's development potential, regard has to be given to Policies SF5 and H9 of the Adopted Local Plan (2005) with regard to the character and appearance of the development.

It is necessary to consider whether there are any environmental constraints that would necessitate consideration and Policy NBE5 advises that where the proposals may have an impact on protected species, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy NBE6 seeks to protect trees from development that may impact directly or indirectly upon them and Policy NBE8 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. The application site is also in close proximity to The Cottage, a Grade II listed building, and as such the proposals has to be assessed against Policy NBE16.

15/00480/OUT (Continued)

In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, to satisfy Policy TR1, and provide adequate off-street parking to comply with policy TR8. Developments of such a scale should also provide for open space and children's play space within the site in accordance with Policy L6.

3. Relevant Appeals as Material Considerations

Since the decision to refuse planning application 15/00034/OUT at Park Lane, a decision has been made on the Asker Lane Appeal in Matlock (APP/P1045/A/14/2227116) dated 1st July 2015 which is considered by the applicant and Officer's to be a relevant and significant material consideration. The applicant, whilst appreciating that the Asker Lane Appeal application was for 110 dwellings and a much larger site, nevertheless considers the decision pertinent because it focused on the landscape impact of developing a set of green fields on the edge of town with housing on three sides.

The Planning Inspector, in reaching his decision, weighed up the need for housing against a moderate adverse impact on the wider landscape. In this regard, the Planning Inspector advised the following in his deliberations:

14. *It was agreed at the Inquiry that the main issue in the appeal, based on the Council's reason for refusal, is whether the proposal would provide a sustainable form of development in accordance with national and local policy, having particular regard to its effect on the character and appearance of the area, including that of the Matlock Bank Conservation Area.....*
63. *The NPPF seeks to boost significantly the supply of housing. There is no dispute that the Council's five year supply is lacking. Evidence on the objective assessment of housing need leading to the withdrawal of the intended replacement LP suggests that the future housing requirement is likely to be considerably greater than previous estimates. The contribution to meeting the shortfall in supply lends substantial weight in support of the proposal.*
64. *The provision of some 49 units of affordable housing would also help to address an identified need, and is a consideration of positive weight, even if the level of proposed provision would not exceed the requirements of development plan policy.*
65. *There would thus be clear evidence of the social dimension of sustainable development. Further social benefits would be gained by permanent public access to a range of open spaces in the northern and eastern parts of the site.*
66. *The economic dimension would be illustrated by the employment generated during construction, by the addition to the local economy of the spending power of future residents and by the one-off financial gains of the New Homes Bonus. These economic factors add moderate weight in support of the proposal.*
67. *In environmental terms, the site would be well placed for future residents to avail of sustainable transport and access the facilities of the town centre, although less attractive for trips on foot or cycle owing to local topography.*
68. *The currently green and open character of the site at the urban edge would be partly replaced by development. This would result in minor harm to townscape character and moderate adverse visual impacts on close-range views. The Council*

15/00480/OUT (Continued)

officers' assessment of the second planning application confirmed that future housing requirements would require the use of greenfield sites. The adverse effects of development could be at least partly mitigated by successful landscape infrastructure and detailed design and layout, secured at the reserved matters stage. There would also be some enhancement of biodiversity by the introduction of water features and other improvements, while harm to protected species on the site should be minimised.

69. *The character and appearance of the Matlock Bank CA would be preserved and there would be very limited harm to the heritage significance of Bailey's Tump through the development within its setting.*
70. *On balance, any remaining environmental harm would not significantly and demonstrably outweigh the benefits of development. In accordance with NPPF guidance, the proposal must be regarded as sustainable development to which the presumption in favour applies.*

The applicant considers that the landscape impact at the application site is much less than that identified with Asker Lane, being minor adverse impact, because the site is much smaller and is viewed in the context of other housing.

The similarities between this Appeal decision and the proposals at Park Lane have been questioned by a neighbour of the application site, as set out in the representations. However, there is clearly a presumption in favour for allowing for development where the District Council cannot demonstrate the requisite housing land supply to meet its 5 year requirement on sites adjoining settlements where the adverse impacts of doing so do not significantly and demonstrably outweigh the benefits.

In this respect, a similar conclusion was reached by a Planning Inspector in allowing a development of 113 dwellinghouses just outside the District in Crich (Amber Valley District - Appeal Ref: APP/M1005/A/14/2226553). The Planning Inspector advised that despite being an expansion of Crich in a new direction, and despite the presence of Hilts Quarry in between, the proposed development would be a sustainable extension of the village with no harmful visual impact that could not be overcome at reserved matters stage. He stated that as the housing policies of the Development Plan were out-of-date, this brought paragraphs 49 and 14 into play. The proposed development was therefore considered sustainable, indicating that planning permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits of the proposal.

Given the above, the balance is clearly in favour of development unless the development proposed is considered socially, economically or environmentally unsustainable, or a combination of the three. Whilst the sites detailed above may have different characteristics to the site at Park Lane, they are nevertheless greenfield, fringe of settlement sites, in sustainable locations and the way Planning Inspectors have assessed them is considered to be a new and relevant material consideration that should be weighed in the balance in reaching a decision on this application.

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4. Sustainability

The site is on the fringe of Darley Dale and, in the context of the Council having to look outside Settlement Framework boundaries to meet its housing needs, this site has reasonably close access to shops, employment and services such that it can be considered locationally sustainable. The development itself would provide for economic benefit with employment in the construction process and would assist with sustaining local services. In this respect, the proposed development would meet with the requirements for social and economic sustainability.

However, the development is proposed on a greenfield site and will have an impact on environmental sustainability which would include the character and appearance of the landscape, relationship to a heritage asset, drainage and wildlife. The development of the site would also have the potential to impact the amenity of nearby residents and highway safety and, therefore, these elements of social sustainability require consideration. In addition, the proposed density of development is rather low and the site could physically contain more dwellinghouses to off-set the need for further greenfield site development. These matters are addressed below.

5. Impact on Character and Appearance of the Area

There are concerns with the application in connection with the impact the development is likely to have on the character of the local landscape. The site is in open countryside, outside the Settlement Framework boundary. By the time Park Lane reaches the area beyond Porteous Close it has changed from being a residential feeder road to a country lane, it is narrow and older properties on the southern side start to dominate the street scene, along with the stone wall and hedge on its northern side. The effect is enhanced as it becomes Hallmoor Road, particularly as it narrows considerably and turns a blind corner before climbing the hill in the east.

The CPRE state that 'The approach to the site along Park Lane provides a gradual transition from the busy hub near the main road towards the quiet countryside of the hillside, a precious and irreplaceable local landscape feature and amenity..... In our view, the proposed development would encroach adversely on both the visual and the aural experience. The CPRE consider that the proposed development would be large in comparison with its surroundings, which comprise small rural lanes with houses located individually, rather than in 'estate' type configurations.

The proposed development, by extending development into the area, breaking through the wall to create an access to acceptable highway standards, adding street lighting and erecting potentially prominent structures that overtop the boundary walls, will have an adverse impact on the character of the landscape. The perception of the landscape within the view from the south along Park Lane will be affected and development will have an adverse impact on the visual amenity of properties in the immediate vicinity of the site.

Although the comments of the CPRE are noted, the surrounding area is characterised by mixed land use, including residential development. It is the view of Council Officers that the proposed development is quite modest in its extent and would represent a small intrusion into an area that is partially characterised by housing. This would be particularly the case if the density of development was appropriate, the retention of the roadside wall and hedge could be guaranteed long term, the hedge/wall combination was extended into the access, boundary planting was reinforced and maintained, and properties were pulled back from the boundaries so they are not intrusive in the existing street-scene, especially along Hallmoor Lane.

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In this respect, it is considered that any development of the site would have to be relatively low density, as proposed, in order to accommodate the built form in a manner that would retain a degree of openness into the surrounding countryside. It is envisaged that this would be a transitional site of residential development; from the tighter form of residential development on Park Lane into the more sporadic built form that permeates into the open countryside.

It is considered that all these matters could be addressed with a Reserved Matters application. As such, it is considered that development of the site is unlikely to result in significant adverse impact on visual amenity, except some impact for those residents immediately overlooking the site, or be detrimental to the character and appearance of the area to an extent that could otherwise sustain refusal of the application.

Whilst the development will still constitute an incursion into the countryside, the revised illustrative layout, with the proposed mix of single and two storey buildings demonstrates better assimilation into its context and allows the retention of views through the development of the hillside and landscape beyond. As such, it is considered that the current proposals go some way to addressing Members concerns with regard to the impact of the previous indicative proposal and how it will sit in its context.

6. Impact on Heritage Assets and the Landscape Setting of Darley Dale

The Cottage, on the junction of Park Lane and Wheatley Road, is a Grade II listed building dating from the 17th Century. In this respect, consideration needs to be given as to what comprises the setting of the building and to protecting this setting of a building of special historical and architectural interest.

Whilst The Cottage is not positioned or designed to command views over the site, notwithstanding the open aspect of the application site opposite, the field does provide an undeveloped area within the immediate vicinity of the listed building. However, there is no suggestion that this parcel of land was intrinsically associated with the listed building. As such, although the current open aspect of the field has provided a historical continuity of agricultural land in close proximity to the listed building, the field is of limited significance to the setting of the building, such that sensitive development need not result in harm. The proposed development would need to be addressed with the Reserved Matters application and does not pre-suppose the acceptability of the indicative layout.

In terms of archaeology, the Development Control Archaeologist has previously advised that the applicant's geophysical survey for the site shows little or nothing of interest, except for the north-east corner of the survey area where there appears to be a rectangular building. As such, there is no need to place a further archaeological requirement on the applicant.

7. Impact on Trees

The property to the north of the application site has a belt of mature trees aligning the boundary. These are protected with Tree Preservation Order DCC/TPO/088/A17. In this regard, assessment needs to be made as to whether the development of the site would impact upon, or place a threat to, the future of the trees. In this respect, the trees are on the north side of the application site and would therefore not lead to a significant compromise to the amenity of any of the properties to an extent that they would be placed under pressure to be removed. It is also considered that any development of the site could be undertaken outside of the root protection area and there would therefore be no

15/00480/OUT (Continued)

physical impact on the trees. Nevertheless, these matters would have to be addressed with the submission of a detailed scheme with a Reserved Matters application.

8. Impact on Protected Species

It is considered that the development proposals would not significantly impact on wildlife. The field itself is managed and maintained and would have little likelihood of containing protected flora or fauna. The development proposals would be expected to retain the boundary hedges and it is considered that any impacts on protected species, such as nesting birds, could be addressed through a condition on any grant of planning permission and would also be addressed the requirements of the Wildlife and Countryside Act.

9. Drainage

With regard to drainage, there are evidently problems with surface water run-off onto the public highway. DCC Flood Risk Management Team advises that the development would be required to be a compliant Sustainable Urban Drainage Scheme (SUDS) which is a matter that would be addressed through the necessary Building Regulations requirements. Nevertheless, it is considered reasonable to attach a condition to any grant of planning permission with regards to establishing the drainage of the site having regard to existing site conditions. The Environment Agency has not raised any site specific concerns.

10. Impact on Neighbour's Amenity

There are residential properties along Park Lane, Porteous Close and Hallmoor Road that will be overlooked by development of the site. However, it is considered that reasonable separation distances could be achieved with the number of dwellings proposed to not impact significantly upon the light, outlook and privacy of the neighbours to an extent that would reasonably justify refusal of outline planning permission; such matters would have to be assessed in more detail with the Reserved Matters application.

Concern has been raised with regards to headlights impacting on the amenity of properties to the opposite side of Park Lane to the proposed access point. However, given that only up to thirteen dwellings are proposed on the site, this impact is not considered of such harm to warrant refusal of the application; Park Lane will already experience a degree of traffic along it at night and any impact that may already exist would not be significantly added to by the additional vehicles associated with the application site.

11. Highway Matters

The Local Highway Authority has considered this application and note that the current application is now in outline form with all matters reserved for future consideration. Therefore, little weight has been given to the layout in highway terms and it is considered as being for illustrative purposes only at this stage. However, whilst access is now also a reserved matter, given the work undertaken for the previous application the Local Highway Authority considers that it has been demonstrated that acceptable access arrangements to Park Lane can be achieved, within the applicants controlled site frontage.

From a highways perspective, the current application is essentially the same as the previous application and as such the previous highway comments continue to apply. It is noted that the Design and Access Statement and Planning Statement have both been updated (July 2015 revision), although it is disappointing that the Highway Impact Statement has been submitted in its original form (July 2014, revised August 2014) and has not been up-dated to reflect subsequent information that was submitted to support the original application or the current illustrative master-plan. However, this does not ultimately alter the highway conclusion for the new application

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Therefore, based on the evidence and information available, the Local Highway Authority has advised that it would be unlikely that it would be in a position to defend a reason for refusal of planning permission on technical grounds, on the basis that the development would result in severe harm on the highway network (with reference to Paragraph 32 of the NPPF).

12. Affordable Housing Provision

Had the site been within the Settlement Framework boundary for Darley Dale, an affordable housing provision would be required based on 33% of dwellings being affordable dwellings, in accordance with Policy H11. The applicants are considering the site to be sustainable in the context of Darley Dale in their justification for development. Therefore, it is considered that the aims of Policy H11 should equally apply in this context. Whilst the applicant has proposed making an off-site financial contribution in lieu of such provision, this would be contrary to Policy H11 which would require on site provision of at least four affordable units if the site were deemed sustainably located; this has not been proposed. In this respect, it is considered that the delivery of the site could be undertaken with the provision of four affordable dwellinghouses on the site. With regard to the emerging Local Plan, the requirement would still be for such a level of provision for sites of 3-24 dwellings.

However, in research for the delivery of affordable housing undertaken in preparing the emerging Local Plan, it is apparent that, with funding for affordable housing being significantly reduced, it is feasible that the delivery of affordable housing on rural exception sites may require some open market housing to subsidize that delivery. As such, financial contributions from sites that are not considered strategic housing developments are considered to go some way to addressing this. In addition, this approach enables the District Council to deliver affordable housing over the length of the emerging Local Plan period rather than front loading such development where provision for affordable housing may not reflect the immediate local requirement for such.

In this respect, the District Council's Head of Housing has advised that there has been a relatively large number of affordable dwellinghouses built within Darley Dale (Olympian Way, Greenaway Lane, Poppyfields being such recent developments). Having regard to the fact that 13 dwellings are not a major strategic contribution to the District Council's housing needs, a financial contribution to off-site provision is therefore considered appropriate for the phased delivery of affordable housing in the context of Policy H12. Therefore, the calculation should be based on 4.29 dwellings (33% of the 13 dwellings) x £25,450 giving a financial contribution of £109,181.

13. Play Space and Open Space Provision

Under the terms of Policy L6 of the Adopted Local Plan, sites of 0.4 hectares or greater are required to make provision for outdoor play space. The application site, whilst above this threshold, is modest in size such that no meaningful open space or children's play area provision could be provided on the site. In this respect, it is considered reasonable to require a financial contribution to off-site play provision within Darley Dale that would still benefit the residents of the site.

There are still monies held by the District Council from the Greenaway Lane school residential development to be attributed, and schemes are currently being considered at Darley Dale Primary School and the Whitworth Centre; it is considered that a contribution to either of these schemes, or other alternatives that may come forward as being appropriate, would benefit from such a contribution and would directly relate to the

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residents of the application site. Such a payment would be expected to be £500 per dwellinghouses.

14. Conclusion

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 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. The philosophy being adopted by Planning Inspectors in these scenarios is revealed in the deliberations and conclusions for residential development proposals in Asker Lane, Matlock and also in the recent determination in Crich.

The principle matter for consideration is whether the proposal meets with the social, economic and environmental requirements for sustainable development. In the social context, as described above, the Council has a shortfall in its housing land supply and, in line with previous Inspectors approaches on this issue, the contribution of the 13 houses proposed to meeting this shortfall in supply lends substantial weight to supporting the scheme on this basis. The provision of a financial contribution to off-site affordable housing provision also has to be given significant weight, even though it merely aligns with development plan policy. In terms of the highway network, the Local Highway Authority does not consider that significant threat to highway safety. The economic dimension would be served by employment generation during construction and by adding spending power of residents supporting the local economy. As such, it is considered that the proposal aligns with the social and economic dimensions for sustainable development.

This leaves the environmental impacts in the context of sustainable development. The site immediately adjoins the town and residents would have relatively easy access to facilities without the necessity for reliance on the car. The most substantial environmental impact relates to the impact on landscape. This is a greenfield site and the development will lead to harm of the character and appearance of the landscape. However, it has to be noted that this harm has been lessened in principle with this revised scheme, with the indicative layout of the dwellinghouses affording better views through the development of the hillside and landscape beyond. It is considered that this goes some way to addressing Members concerns with regard to the impact of the previous proposal. In addition, whilst this environmental impact weighs against the proposal, this disbenefit has to be weighed and balanced against the benefits.

As such, when the above factors are weighted in the balance, it is the view of Council officers that, although there are adverse environmental impacts in terms of the landscape, these impacts are outweighed by the benefits of the housing such that, under the terms of

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Paragraph 14 of the NPPF permission, the application should be granted as the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits.

Therefore, although Members have previously rejected a scheme on this site, they should have full regard to the further supporting information submitted by the applicants in this revised scheme which demonstrate a lesser impact on the landscape. They should also have regard to how the Planning Inspectorate is assessing the planning balance in the District in the absence of a 5 year housing supply. These matters should receive full and fair consideration in assessing the planning balance.

In this respect, Officers consider that the recent appeal decisions which have been referred to above, support the view that the site will form an acceptable addition to the District's housing stock located, as it is, immediately adjacent to the current Settlement Framework boundary as set out in the Adopted Local Plan (2005). In addition, given the above assessment, it is considered that the adverse impact of the development does not, in this case, outweigh the benefits and a recommendation of approval is considered to be appropriate.

OFFICER RECOMMENDATION:

That authority be delegated to the Development Manager to grant planning permission, subject to the completion of a Section 106 Planning Obligation Agreement to secure an appropriate off-site affordable housing contribution, play space/open space provision, the securing and implementation of roadside parking restrictions at existing junctions, and other locations, all as may be agreed with the Local Highway Authority (with funding of up to a maximum of £5000 being met by the applicant) and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Condition ST02a: Time Limit on Outline
2. Condition ST03a Submission of Certain Reserved Matters
3. No works of construction shall take place on the site outside of the following hours:

Monday to Friday	08.00 to 20.00
Saturday	09.00 to 13.00
Sunday/Bank Holidays	No construction.
4. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
5. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - a. Parking of vehicles of site operatives and visitors
 - b. routes for construction traffic
 - c. method of prevention of debris being carried onto highway

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- d. proposed temporary traffic restrictions
 - e. arrangements for turning vehicles.
6. Before any other operations are commenced a detailed design for the permanent estate street junction to Park Lane shall be submitted to and approved in writing by the Local Planning Authority. The access shall comprise a carriageway 4.8m wide minimum flanked by 2m wide footways and be provided with a minimum 2.4m x 33m visibility splay to the south west and a 2.4m x 25m splay to the north east, or such other dimensions as may subsequently be agreed in writing by the Local Planning Authority, the visibility splays being measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines shall form part of the estate street or extended highway margin and not form part of any plot or other subdivision of the site.
 7. Prior to the first occupation of any dwelling on the site the permanent estate street junction to Park Lane shall be laid out and constructed in accordance with the details approved under condition 6 above. For the avoidance of doubt the developer will be required to enter into a Highways Act 1980 Agreement (Section 278) with the Highway Authority in order to comply with the requirements of this condition.
 8. Notwithstanding the submitted information a subsequent reserved matters or full application shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government.
 9. No development shall take place until construction details of the residential estate road(s) and footway(s) (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.
 10. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway binder course shall be provided in a manner to avoid any upstands to gullies, covers or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
 11. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority in writing. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
 12. Within 28 days of the junction, the subject of condition 7 above, being constructed (or other such period of time as may be agreed with the Local Planning Authority) all other means of access to Park Lane (existing or temporary) shall be permanently closed and the existing vehicle crossover(s) reinstated with full height kerbs and

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appropriate footway / verge construction, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

13. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.
14. No part of the development shall be occupied until details of arrangements for the storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
15. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure / covered cycle parking), laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
16. 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.
17. The development shall be carried out in accordance with the recommendations and mitigation measures proposed in the Phase I Habitat and Protected Fauna Survey dated 10th July 2014.
18. No trees or shrubs that may be used by breeding birds, shall be removed between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting activity on the site during this period, and details of measures to protect any nesting birds during this period have been first submitted to and approved in writing by the Local Planning Authority.

19. Condition GR9

Secure by Design

Reasons:

1. Reason ST03a
2. Reason ST04a
3. To safeguard the amenity of neighbouring residents to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies SF5 and H9 of the adopted Derbyshire Dales Local Plan (2005).

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- 4-14. In the interests of highway safety to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005).
15. To ensure the provision of adequate off street parking provision in the interests of highway safety site to comply with government policy contained in the National Planning Policy Framework and the aims of Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005).
16. To ensure that the principles of sustainable drainage are incorporated into the proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local planning Authority to comply with government policy contained in the National Planning Policy Framework.
- 17-18. To protect protected species and their habitats within and adjacent to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Policies NBE4 and NBE5 of the adopted Derbyshire Dales Local Plan (2005).
19. Reason GR9

NOTES TO APPLICANT:

1. The following advisory notes are provided by the Local Highway Authority for the applicant's attention:
 - Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (telephone : 01629 580000 and ask for Mr I Turkington, Development Control).
 - Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 - Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
 - Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (e.g. existing

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public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

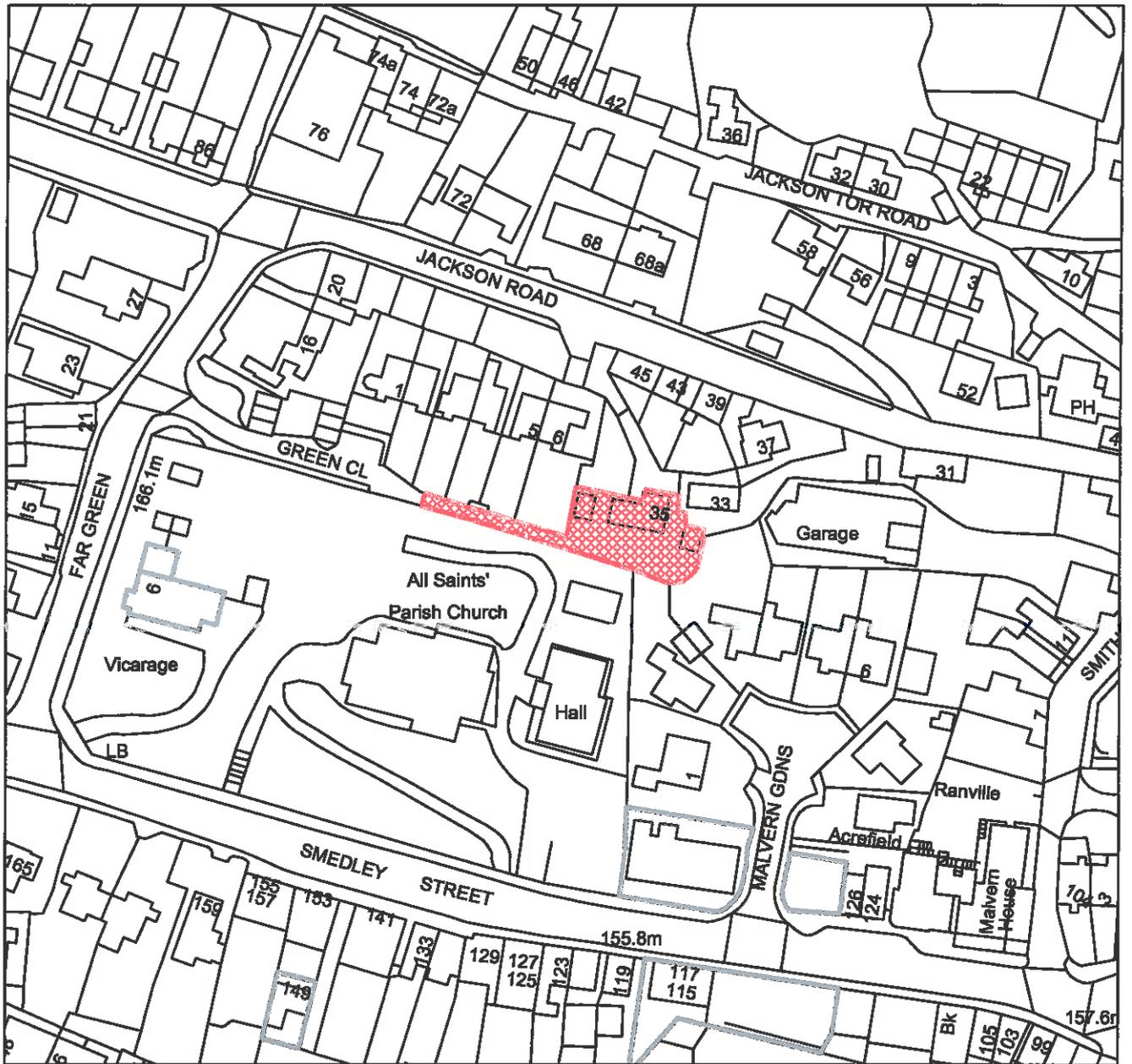
- Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (telephone : 01629 580000 and ask for the New Roads and Street-works Section).
 - Construction works may require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.
 - Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk .
2. A licence will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the [Wildlife Management and Licensing Guidance](#) from Natural England. Further information and guidance on UK protected species and licensing can be found under the [Defra web pages for the Wildlife and Countryside Act 1981](#).
 3. NFA28: Wildlife and Countryside Act
 4. NFA30: Secure by Design
 5. NFA8: Section 106 Agreements
 6. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.
 7. This decision notice relates to the following documents:

Site Location Plan 1:1250 and Block Plan 1:500 received on 13th July 2015
Planning Statement received on 13th July 2015
Design and Access Statement received on 13th July 2015
Landscape and Visual Impact Assessment received on 13th July 2015
Phase 1 Habitat and Protected Fauna Survey received on 13th July 2015
Tree Survey received on 13th July 2015
Tree Constraints Plans received on 13th July 2015
Topographical Survey received 13th July 2015
Highway Impact Statement received on 13th July 2015.

BACK TO AGENDA

15/00417/FUL

Jackson Croft, 7 Green Close, Matlock



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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Telephone; (01629) 761100.
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15/00417/FUL DEMOLITION OF EXISTING GARAGE AND ERECTION OF TWO-STOREY SIDE EXTENSION AT JACKSON CROFT, 7 GREEN CLOSE, MATLOCK FOR MR. GREGORY.

Application Type: FUL
Town Council: Matlock

Date of Receipt: 20th June 2015
Case Officer: Mr. A. T. Ecclestone

THE SITE AND SURROUNDINGS:

The application property is an old, detached, stone-built house, situated at the end of a lane and stands just to the north-east of All Saints Parish Church.

THE APPLICATION:

This is a resubmission of a previously approved scheme (14/00626/FUL), but with a different design. The proposal is for a flush-fitting, two-storey side extension which will require the removal of the detached garage. It will extend out to the side by 8.4m and will also have a forward projecting gable feature.

RELEVANT HISTORY:

14/00626/FUL	Removal of garage and erection of two-storey side extension.	Granted
01/10/0754	Erection of conservatory extension on front elevation.	Refused
0390/0212	Garage.	Granted

CONSULTATIONS:

Local Highway Authority:
No objection.

Town Council:

Object. Scale – overdevelopment, lack of parking and substandard access.

Conservation Advisory Forum:

- Object. The proposed extension is too high and overly long, resulting in an extension on an extension, which makes the original cottage too linear. Any side extension should be reduced in height, possibly reduced in length and set further back to respect the host building.
- The position and scale of the existing garage relates well to the house and the general configuration of buildings at the site. Would prefer for this structure to be retained.
- Whilst the previous proposal was approved, the current scheme is slightly longer. This includes the introduction of a crude projecting gable feature in an attempt to alleviate the length of the cottage, which is also exacerbated by its continuous ridge line. The result of this is a significant addition to the overall bulk of the existing building and an appearance of being two separate houses, the proposed addition appearing as an alien and un-convincing suburban house type.
- The proposed extension will have a negative impact on the existing cottage and will, as a result, neither preserve nor enhance this part of the Conservation Area.

REPRESENTATIONS:

1 representation received which can be summarised as follows:

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No objection to the extension, but concerns over the access. The property is accessed over a very narrow lane. Concerns about construction vehicles accessing the lane and causing damage to the lane and boundary wall. Can the applicant be responsible for rectifying this? The construction works could lead to access, parking and turning difficulties.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF1	Development Within Settlement Framework Boundaries
SF5	Design And Appearance Of Development
H2	Extensions to Dwellings
NBE21	Development Affecting A Conservation Area

National Planning Policy Framework (NPPF)

Chapter 7 Requiring Good Design

Chapter 12 Conserving and Enhancing the Historic Environment

Other:

Matlock Bank Conservation Area Character Appraisal

ISSUES:

The main issues to assess are the impact that the proposed two-storey side extension will have on the character and appearance of the house and also the impact that it will have on the surrounding area.

The property currently appears as a traditional, proportionate house that fits in well in its context. It appears to date from the 19th Century and has been extended to form a double-fronted aspect. The overall form, scale and mass of the house as it currently stands are considered to be acceptable. Public views of the dwelling are however relatively limited as it is accessed down a narrow track to the rear of All Saint's Church.

Although planning permission has been granted for a large, two-storey side extension, this does not mean that a more substantial extension is appropriate. Extensions should usually be subordinate to the host building so as not to detract from it. In this case however, it appears tantamount to adding an extra house on the side. In an attempt to counteract the excessive linearity of the proposal, a slightly projecting gable feature is proposed on the front elevation. This gives the 'extension' even greater visual prominence than the host building. The 'extension' becomes the dominating element, but the gable does not reduce the over linearity of the proposal.

Although the dwelling has limited public visibility and planning permission has recently been granted for a large side extension, this latest proposal does not contribute to the character and appearance of the Conservation Area and in this respect, an inappropriate extension will fail to safeguard this heritage asset.

The proposal will conflict with Local Plan Policy SF1 – Development Within Settlement Framework Boundaries, because it will not preserve or enhance the character and appearance of the settlement, it is not well related to surrounding properties and land uses and it does not preserve or enhance the natural and built environment.

15/00417/FUL (Continued)

The proposal will conflict with Local Plan Policy SF5 – Design And Appearance Of Development, because the scale and layout does not preserve or enhance the quality or local distinctiveness of the surroundings. The scheme does not reinforce a sense of place and it is not well related to surrounding properties or land uses.

The proposal will conflict with Local Plan Policy H2 – Extensions To Dwellings, because it would result in a detrimental impact on the character and appearance of the dwelling and its surroundings.

The proposal conflicts with Local Plan Policy NBE21 – Development Affecting a Conservation Area, because it does not preserve or enhance the character or appearance of the area.

The proposal will also conflict with Chapter 7 of the NPPF where the Government attaches great importance to the design of the built environment. It also fails to improve the character and quality of the area. Paragraph 64 also states that planning permission should be refused for poor designs that fail to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the harm caused by the proposed extension to the heritage asset (the Conservation Area), is not counterbalanced by any public benefit and the balance of consideration is therefore against the scheme.

OFFICER RECOMMENDATION:

Planning Permission be refused for the following reasons:

The proposed side extension will appear as a large addition, which both dominates and detracts from the character and appearance of the house by reason of extending it into an inappropriate linear form, broken by an incongruous projecting gable, uncharacteristic of this traditional type of building. The harm caused to the character and appearance of the dwelling will have an adverse impact on the wider Conservation Area. It therefore conflicts with Policies SF1, SF5, H2 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and Chapter 7 of the NPPF.

Note to applicant:

This Decision Notice relates to the following documents:

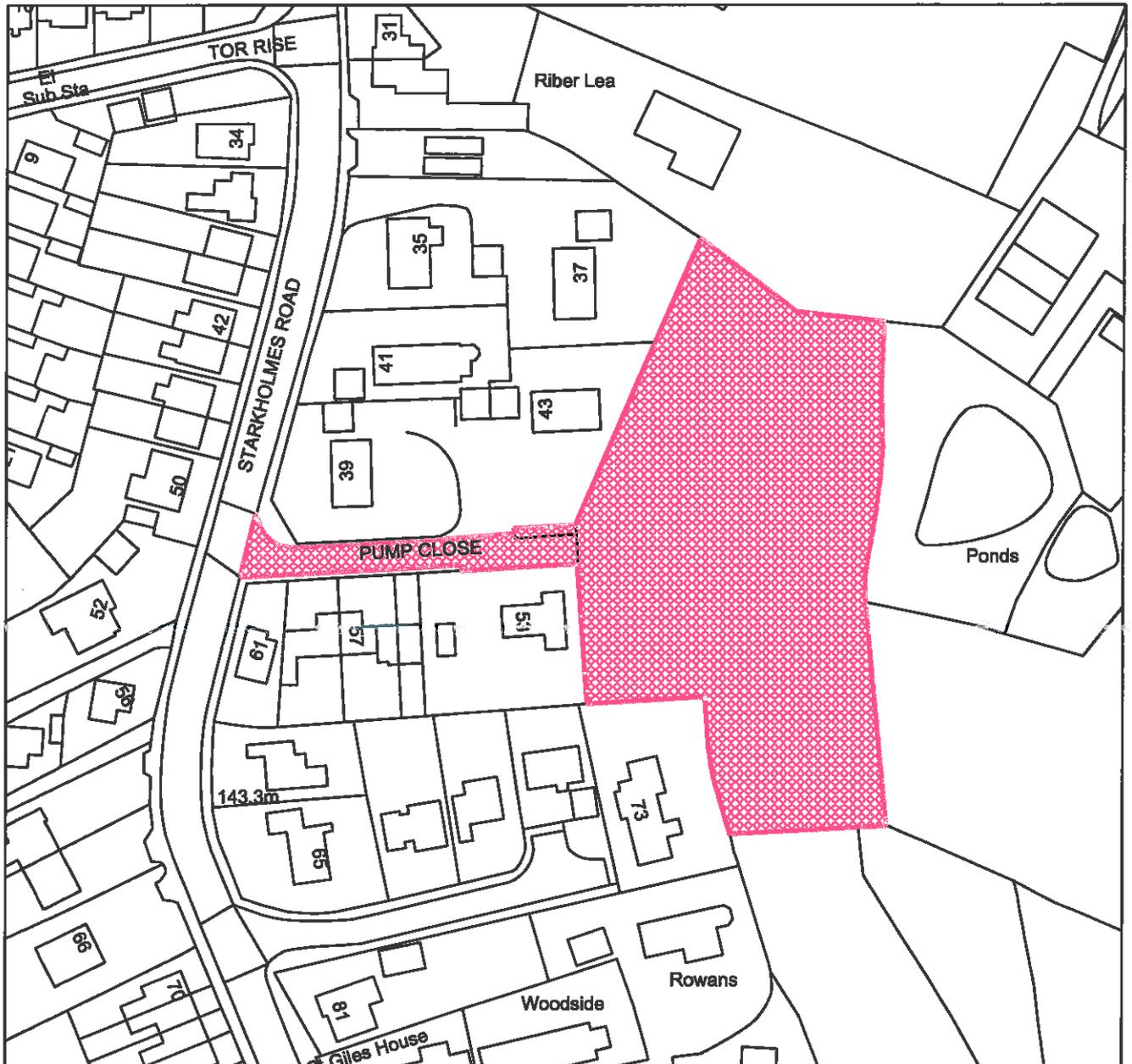
Drawings numbered G.14.07B, G.14.06B and G.14.06C, received by the Council on 22nd June 2015.

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.

BACK TO AGENDA

14/00778/OUT

Land off Pump Close, Starkholmes



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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

14/00778/OUT RESIDENTIAL DEVELOPMENT OF UP TO 9 DWELLINGS AND ASSOCIATED ACCESS (OUTLINE) AT LAND OFF PUMP CLOSE, STARKHOLMES FOR MRS A SAUNDERS AND MR M FRETtingham

Town Council: Matlock
Application type: Outline

Date of receipt: 12.11.14
Case Officer: Mrs H. Frith

THE SITE AND SURROUNDINGS:

The application relates to a single field of undulating nature located to the end of the cul-de-sac known as Pump Close. The site is in an open countryside location on the edge of the settlement of Matlock. The field is bounded by hedging with trees sparsely sited on the boundary. The site has a downhill slope from south to north. To the west of the site are a number of larger detached residential properties all accessed via Pump Close which is a private road. Pump Close connects to Starkholmes Road where there is a mix of residential properties.

THE APPLICATION:

Outline planning permission is sought to erect up to 9 dwellings on the existing field. All matters other than access are reserved for future consideration under a reserved matters application. An indicative layout has been submitted along with an Arboricultural Report, a Design and Access Statement incorporating a Visual Impact Assessment, a brief report regarding the potential for the presence of Great Crested Newts, a Phase 1 Habitat and Protected Fauna Survey and Highway Impact Statement.

RELEVANT HISTORY:

WED/874/273 2 dwellings and garages - Refused
MAT/773/18 Residential development – Refused - Appeal dismissed
MAT/573/4 Erection of 2 storey dwelling with garage – Permitted
MAT/372/25 Erection of dwelling – Permitted
MAT/771/25 Residential development – Refused

CONSULTATIONS:

Town Council – Object.

- Proposed development significantly intrudes on Riber castle setting
- Proposed development would be creeping development onto hitherto safeguarded hillside
- Proposed development outside settlement boundary framework.

Local Highway Authority – The Highway Authority has been in consultation with the agent regarding the proposed access modifications / recommended emerging visibility splays, and the revised drawings are generally in line with current guidance. The applicant is bringing Pump Close's junction out and realigning/tapering the footways either side to tie-in with the revised give way markings. Whilst specific details/distances regarding the footway tapers have not been submitted, these can be finalised when the Section 278 Agreement for the works are submitted. However, for the applicant's information, it is recommended the footways are tapered at a ratio of 1:30.

As the application is outline with only access approval being sought, no detailed comments on the internal layout are being provided. However,

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judging from the indicative layout submitted, it seems adequate space for access/parking/turning etc. can be accommodation within the site.

No objections, conditions and footnotes are recommended.

Derbyshire Wildlife Trust –Whilst the semi-improved grassland habitat present across the majority of the site is of limited interest the area of marshy grassland associated with the spring provides greater botanical diversity. A number of plant species are not included in the species list appended to the survey. Therefore the overall botanical composition of the site has not been accurately reflected in the report. However, DWT accept that the grassland habitat present across the site is unlikely to be of sufficient quality to meet local wildlife site selection criteria.

The spring on the site is unlikely to raise any protected species issues but needs to be fully considered in terms of the hydrology and drainage of the site. These features should be protected and retained within undeveloped buffers and not incorporated within the curtilage of the site.

The proposed development is unlikely to impact upon Great Crested Newts. No direct impacts upon roosting bats are anticipated as a result of the proposed development. No impacts upon badger are anticipated as a result of the proposed development. Recommend a condition regarding nesting birds.

The retention of the northern and eastern boundary hedgerow and trees and their associated ditches is welcomed. DWT do not support the use of existing native hedgerows as private garden boundaries as their long term retention and management cannot be guaranteed. Therefore the final layout will need to allow for these areas to be within landscape buffer zones and would advise that this be secured by condition.

DWT advise that the site's hydrology has potential to place significant constraints on the extent of developable land within the site.

DCC Tree Officer – No objections at this stage, further information will be required as part of the reserved matters including: Detailed plans showing all trees to be retained, removed, pruned with full tree work schedule, canopy spreads, root protection areas in relation to the footprint of buildings, method statement and tree protection plan. The category A and B trees will need to be retained and will involve consideration in preparation of the final layout. New planting will be required to replace the category U trees to be removed.

REPRESENTATIONS:

26 letters of representations have been received from 16 parties; these representations raise the following concerns:

Highways

- Since the building of Sainsbury's Starkholmes Road has been used much more as a route through to Matlock
- The location of the bus stop further restricts visibility

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- It is already difficult for the elderly to cross the road, this proposal will make it worse
- Have witnessed extremely dangerous situations on the road, particularly at school times
- The pavements are very narrow
- More traffic in the area will harm road safety leading to accidents
- Concerned about the road junction onto Starkholmes Road which has poor visibility
- Cars parked for the school cause road blockages
- Highways have previously objected to development at this junction
- For up to 9 dwellings 18 or more cars would use the poor junction
- Vehicle speeds on the road are above 30mph
- The surface of Starkholmes Road is degraded and requires Inspection
- Cars travelling at 30mph and above will not be adequately seen in time by vehicles leaving the junction
- Pump Close is narrow and difficult for two cars to pass
- Service and construction vehicles will worsen the highway safety problems
- It is difficult to pull out from Pump Close at peak times due to queueing traffic
- Pump Close is often blocked with parked vehicles
- Pump Close is higher than the garden at no. 39 and potential collapse of the road along this boundary has been an issue, the road was strengthened by the use of buttresses. More vehicles on Pump Close will make this situation worse.
- Permission has previously been refused what has changed
- The road geometry means that the pedestrian intervisibility cannot be achieved.
- The applicant has misrepresented Manual for Streets (MfS) in relation to:
 - The distance they have considered for the visibility splay from the 2.4m stopping position on Pump Close is smaller than they should have done
 - They start from a position that a 34m visibility splay would be acceptable and that this can be achieved at the centre line of the road – MfS advocates a distance of 43 measured to the kerb line not the centreline.
 - The safe stopping distance of 43m for a speed of 30mph ignores the fact that many vehicles exceed this due to the downhill gradient. Even at 30mph the reaction times and decelerations suggested by MfS cannot be met due to the downhill gradient.
- Do not accept that 26mph is representative of the traffic situation that we see every day
- Average speeds are higher in an evening
- Disagree with the comments made in the Design and Access Statement regarding highway matters.
- The traffic report ignores key points of safety
- The visibility splay evidence submitted ignores parked cars on the road at the corner of Pump Close
- In six locations Starkholmes Road is a single carriageway
- There have been several minor and major accidents at the Starkholmes Road/Willersley Lane stretch 2005 to 2013; the personal injury statistic should not be the basis for safety, some accidents result in no injury
- The survey produced is not valid as it was undertaken on northbound traffic on a very limited baseline and at a time when school traffic was reduced. The survey looked only at afternoon traffic when higher volumes are south bound the site was recently considered as a potential site and was dismissed due to the poor visibility.
- Large vehicles cannot pass along Pump Close when cars are parked on the road

14/00778/OUT (Continued)

- Children currently play on the road which is reasonably safe with a limited number of properties, this area would be unsafe for play should the proposal go ahead
- The nearest school is only 100 yards away
- Narrowing the access from Pump Close to Starkholmes Road will make the exit more dangerous
- Larger vehicles have to reverse into Pump Close, the access alterations would make this more dangerous
- 70% of northbound traffic proceeding downhill exit the bend above Pump Close over the centre line.
- The car parking bays naturally conduct cars across the road
- The survey undertaken by DCC after its unilateral discussions with the applicant repeats the error that cars do not cross the centre line and compounds the misleading assessment
- Alterations to the access would make left turns from the north more difficult and dangerous
- The revised plan relies on the assumption that the outward curve of the pavement on the Starkholmes side of the junction already exists which is not the case

Character and appearance

- The field should be retained as an integral part of the lower slopes of Riber hillside
- The integrity of Riber hillside should not be diminished
- Matlock is a conservation area close to the Peak Park and is of great natural beauty which adds to tourism, why would we destroy this. Such harm could lead to a reduction in the tourist industry in the area
- Previously refused shed building relating to St Giles school due to visual impact, thus matter is no different
- The proposal, does not constitute any logical infill and is out of proportion to the east side of Starkholmes

Wildlife

- The development will harm wildlife including newts, badgers, toads, insects, birds, bats, pheasants, foxes, hedgehogs and plants
- There has been a gradual destruction of habitat on Riber hillside
- The fauna and topography report is not fully representative, the northern boundary is a stream
- Newts have been seen in a residents garden

Policy matters

- This is a green field not a brown field site
- The land has been neglected for some years the site is outside the settlement framework boundary
- The application is premature in relation to the local plan
- The applicant is using the delay in this process to push forward an unsuitable site other permissions on this road have not been commenced
- The recent call for sites will bring forward more appropriate sites for development

Other matters

- There may be high levels of lead and cadmium on the site as found elsewhere in Starkholmes, this matter requires further assessment in addition asbestos has previously been buried on the site

14/00778/OUT (Continued)

- Query neighbour notification
- The application form is misleading

Amenity

- There is a farm next to the site which will impact on the new dwellings in terms of noise, nuisance, smells etc.
- No information has been submitted as to how overlooking issues will be addressed
- The proposal will harm privacy causing overlooking and loss of light and views

Drainage

- There is no drainage on the existing roadway
- There is a spring in the field which in winter becomes a torrent and has caused flooding in the past, any development will increase flooding by obstructing the natural underground courses
- Run off from the existing road surface goes onto gardens on Pump Close or onto Starkholmes Road

Ownership issues

- Pump Close is privately owned
- The residents of Pump Close paid for the cost of the re-surfacing of the road, the owner of the field did not contribute to this, therefore query rights of access
- The roadway has already broken up and residents have had to pay for resurfacing
- New residents would not be responsible for the upkeep and maintenance of the private road
- Current owners would not maintain the road at their exclusive cost.
- The field boundary to no.43 includes the fence and adjoining farm gate
- Rights of way are subject to the owner of the field paying a fair share of the maintenance and upkeep of the road, the owner has not contributed
- The road is rolled limestone with one layer of tarmac
- There are limits to the right of way
- The pathway in front of 57 and 59 edged by the stone kerbs is not part of the right of way.
- The rights of access do not allow alterations to the junction

Matlock Civic Association:

Object. The site is outside of the settlement framework boundary and is unjustified development on a green field site. The development would impact upon Riber hillside. Pump Close is narrow, concern over the increased use of the road. Brownfields sites on Starkholmes Road should be developed before green field sites are considered.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005)

SF5: Design And Appearance Of Development

H9: Design And Appearance Of New Housing

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

NBE6: Trees And Woodland

NBE8: Landscape Character

NBE16: Development Affecting A Listed Building

L6: Outdoor Playing And Play Space In New Housing Developments

TR1: Access Requirements And The Impact Of New Development

14/00778/OUT (Continued)

National Planning Policy Framework
National Planning Practice Guidance

ISSUES:

Principle and appearance

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and Paragraph 11 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Development Plan includes the Adopted Derbyshire Dales Local Plan (2005).

However, the site is not located within the Settlement Framework boundary as defined by the Adopted Derbyshire Dales Local Plan (2005) and normally regard would be given to Policies SF4 and H4 of the Adopted Local Plan which restrict residential development outside of Settlement Framework boundaries. However, the District Council is currently unable to demonstrate a 5 year housing land supply to meets its objectively assessed need and these policies cannot be given weight.

Given the above, Paragraph 49 of the NPPF states that housing applications should be considered in the context 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. Therefore, Policy H4 of the Adopted Local Plan (2005) can be attributed no weight given that this seeks to restrict residential development, except in exceptional circumstances such as for affordable housing or essential rural worker's dwellings, where such development is outside of Settlement Framework boundaries. This is also the case with regard to Policy SF4 as this limits the housing that can be allowed in the countryside to specific classes and does not envisage meeting needs outside the Settlement Framework.

Given the above, the District Council has to have particular regard to Paragraph 14 of the NPPF in the decision making process. This states that where the Local Plan is absent on this matter (as the existing Local Plan now is given the lack of identified housing land supply), regard has to be given primarily to the National Planning Policy Framework. Paragraph 14 therefore advises that there is a presumption for granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits against other policies within the NPPF. As such, there is a presumption in favour of the development unless other material considerations determine otherwise. One such matter is that of sustainability which is the 'Golden Thread' running through government guidance contained in the NPPF which is assessed below.

However, there are several Local Plan Policies that remain consistent with the NPPF. In considering the site's development potential, regard has to be given to Policies SF5 and H9 of the Adopted Local Plan (2005) with regard to the character and appearance of the development.

It is necessary to consider whether there are any environmental constraints that would necessitate consideration and Policy NBE5 advises that where the proposals may have an impact on protected species, planning permission will only be granted if it can be demonstrated that there is an overriding need for the development. Policy NBE6 seeks to protect trees from development that may impact directly or indirectly upon them and Policy

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NBE8 advises that planning permission will only be granted for development that protects and enhances the character, appearance and local distinctiveness of the landscape. The application site is on the hillside approach to Riber Castle which is a Grade II listed building, whilst the site is not within close proximity of this Listed Building the landscape impact has to take into account the distant setting of that Listed Building, Policy NBE16 seeks to protect the setting of a listed building.

In order for the development of the site to be acceptable, it is also necessary to determine whether the site can be served by a safe and secure access, and therefore be able to satisfy Policy TR1, and provide adequate off-street parking to comply with policy TR8. Given the scale of development proposed it is not considered necessary to provide an area of public open space as the size of the site is below the threshold specified in Policy L6.

Sustainability

The site is on the fringe of the town of Matlock and, in the context of the Council having to look outside Settlement Framework boundaries to meet its housing needs, this site has reasonably close access to shops, employment and services such that it is considered locationally sustainable. The development itself would provide for economic benefit with employment in the construction process and would assist with sustaining local services. In this respect, the proposed development would meet with the requirements for social and economic sustainability.

However, the development is proposed on a greenfield site and will have an impact on environmental sustainability which would include the character and appearance of the landscape, relationship to a heritage asset, drainage and wildlife. The development of the site would also have the potential to impact the amenity of nearby residents and highway safety and, therefore, these elements of sustainability require consideration. These matters are addressed below.

Impact on Character and Appearance and Heritage Assets

Concern has been raised that the development of this site will be an infringement of the hillside approaching Riber Castle and therefore the development will have an adverse impact both upon the landscape character of the area and upon the setting of Riber Castle itself.

The locality has been assessed for its landscape sensitivity to development. Whilst Riber hillside is sensitive to development it is considered that there is scope for development in discrete pockets of land most closely associated with the existing development on the edge of Starkholmes, without causing undue harm to landscape character and appearance.

In view of this analysis it is considered that the development of this site which has existing residential development to the northern and western boundaries will assimilate well into the existing built up area as logical consolidation of the settlement. It is appreciated that the development of the fields in general to the east of Starkholmes Road would likely have adverse impact upon landscape character. However it is not considered that the development of this one field closely constrained by existing development will have a significant adverse impact upon the landscape character of the area.

The site is some considerable distance from Riber Castle. However, it is acknowledged that the setting of a listed building can be far reaching. It is considered that the

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development of this site will assimilate well with the prevailing pattern of development and will not be conspicuous in views from or to the castle such that it will not adversely impact upon the setting of the listed building. Therefore the proposal complies with policies NBE16 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Impact on Trees

There are protected trees located along the boundary of the site to the north, east and south. Whilst an Arboricultural Survey and Constraints Report have been submitted, the specific impacts of any development cannot be determined at this outline stage. Once the reserved matters are submitted detailed information regarding the trees and the relationships with the siting of the proposed dwellings will be required. The impacts of the development upon the trees can therefore be considered at the reserved matters stage as part of a detailed landscaping scheme.

Impact on Protected Species

Concerns have been raised regarding the potential impact the development will have upon the protected species. Derbyshire Wildlife Trust have considered the submitted survey in detail and subject to conditions regarding nesting birds and hydrology along with a detailed landscaping scheme to be submitted through the reserved matters the development of the site will not adversely impact upon protected species or habitats such that planning permission should be resisted. Therefore subject to conditions the proposal meets the requirements of Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

Drainage

Comments have been made regarding the spring that is on the site. How this stream will be dealt with will be submitted in detail as part of the reserved matters. However, given the local concern regarding this matter and the impacts this could have upon habitats it is considered reasonable at this stage to impose a condition requiring full details of how this matter will be resolved along with details of the wider ground water effects of this work.

Impact on Neighbour's Amenity

At the outline stage it cannot be determined what the impact of the development will be upon the amenity of neighbouring residents. With the existing dwellings located primarily along the western boundary of the site it is considered that housing can be erected on this site without having a significant adverse impact upon the amenity of existing residents. It is acknowledged that as a part of the reserved matters landscaping scheme a suitable boundary treatment will be required along the boundaries with the existing properties. The outline application is therefore considered to be acceptable in terms of the impacts upon residential amenity.

Highway Matters

Significant consultation has taken place between the Highway Authority and the applicant's highway consultants. The result of those ongoing discussions is that a proposal has been put forward to alter the junction at Pump Close and Starkholmes Road. The intention is to build out the junction by 0.5m along with realigning/tapering the footways either side to tie-in with the revised give way markings. Specific details/distances regarding the footway tapers have not been submitted but the Highway Authority is satisfied that these can be finalised when the S278 agreement for the works are submitted, it is recommended that the footways are tapered at a ratio of 1:30.

14/00778/OUT (Continued)

The conclusions of the Highway Authority have been questioned by local residents in terms of vehicles crossing the centre line of the road when travelling in a downhill direction. A survey by residents noted that approximate 70% of vehicles had to cross the centre line due to parked vehicles on the far side of Starkholmes Road. However the Highway Authority are aware of this and are satisfied that the width of the roadway is acceptable for the proposed alterations to the junction to give a satisfactory access.

Pump Close is a private road and comments have been made regarding the rights of the applicant to alter the junction and have new housing accessed along this road. The applicant's agent has confirmed that there is an appropriate right of way and have completed the certificates on the application form in their view correctly in this regard. Such matters of ownership will have to be resolved as a private legal matter and cannot be resolved through the planning process. This also applies to the potential for damage to be caused to the surface of Pump Close and ongoing maintenance costs.

Based on the detailed assessment of the Highway Authority the proposal is considered to be acceptable with regard to highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within paragraph 32 of the National Planning Policy Framework.

Contamination

Residents have raised a concern that the land may be contaminated with high levels of lead and cadmium in the soil along with asbestos which has been left on this site in the past. The Council's Environmental Health team have been asked to comment on this matter and an update on this will be provided verbally to Members of the committee. Notwithstanding this any contamination of the site can be reasonably dealt with through planning conditions.

Affordable Housing

In accordance with the evidence put forward as part of the Draft Local Plan it is clear that affordable housing is required in this District. In light of the recent Judicial Review regarding the scale of development that can require affordable housing the development of up to 9 dwellings is now required to contribute to affordable housing. In this case the affordable housing requirement for a development of this scale would be 33%. The applicant's agent has provided a draft S106 agreement stating that the 33% requirement will be provided on submission of an affordable housing strategy. This complies with the policy requirement and is therefore acceptable subject to agreement through a S106.

Conclusion

Having regard to the provisions contained in Paragraph 14 of the NPPF, there is a requirement to grant planning permission where a development plan is absent, silent or where relevant policies are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site will form an acceptable addition to the town's housing stock located, as it is, immediately adjacent to the current Settlement Framework Boundary of the Adopted Local Plan (2005).

The proposal also fulfils all three roles of sustainability as follows:

- In terms of the economic role the proposal will be beneficial to the economy and providing economic benefit with employment in the construction process and by assisting with sustaining local services.

14/00778/OUT (Continued)

- In terms of the social role the proposal will assist in the supply of needed housing and affordable housing close to services and facilities that the town can offer.
- In terms of the environmental role there are not considered to be any adverse environmental impacts of the development that cannot be sufficiently mitigated against via conditions and the submission of reserved matters.

The delivery of housing is being given significant weight in the balancing exercise to be carried out under paragraph 14 of the National Planning Policy Framework. Whilst there are understandable concerns from the local population it is concluded, however, that any adverse impacts of the scheme fall well short of significantly and demonstrably outweighing the benefits. On this basis planning permission is recommended to be granted for this sustainable expansion of the settlement.

OFFICER RECOMMENDATION:

That authority be delegated to the Development Manager to grant planning permission, subject to the completion of a Section 106 Planning Obligation Agreement to secure an appropriate affordable housing provision and subject to the following conditions:

1. Condition ST02a: Time Limit on Outline
2. Condition ST03a: Submission of Certain Reserved Matters
3. No works of construction shall take place on the site outside of the following hours:

Monday to Friday	08.00 to 20.00
Saturday	09.00 to 13.00
Sunday/Bank Holidays	No construction.
4. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
5. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway
6. Before any other operations are commenced (excluding Condition No 2 above) Pump Close's existing junction to Starkholmes Road shall be modified in accordance with the revised application drawings 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 41 metres to the south and 38 metres to the north measured to the nearside wheel track in each direction. The land 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.

14/00778/OUT (Continued)

7. No dwelling shall be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall thereafter be retained for use at all times
8. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.
9. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter
10. Prior to the commencement of development a detailed strategy for resolving the presence of the spring on the site shall be submitted along with a detailed assessment of the effects of this upon ground water and wildlife habitats within the locality. The development shall be carried out in accordance with the agreed strategy.
11. No removal of hedgerows, trees or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reasons:

1. Reason ST02a
2. Reason ST03a
3. To protect residential amenity in accordance with Policy H9 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
- 4-9. In the interests of highway safety in accordance with Policy TR1 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
10. In order to prevent localised flooding and loss of habitat in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.
11. In order to ensure the protection of nesting birds in accordance with Policy NBE5 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

14/00778/OUT (Continued)

Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and Permission was granted without negotiation.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , email ETENetmanadmin@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
3. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards Pump Close measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto Pump Close. This usually takes the form of a dish channel or gulley laid across the access, discharging to a drain or soakaway within the site.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. 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.

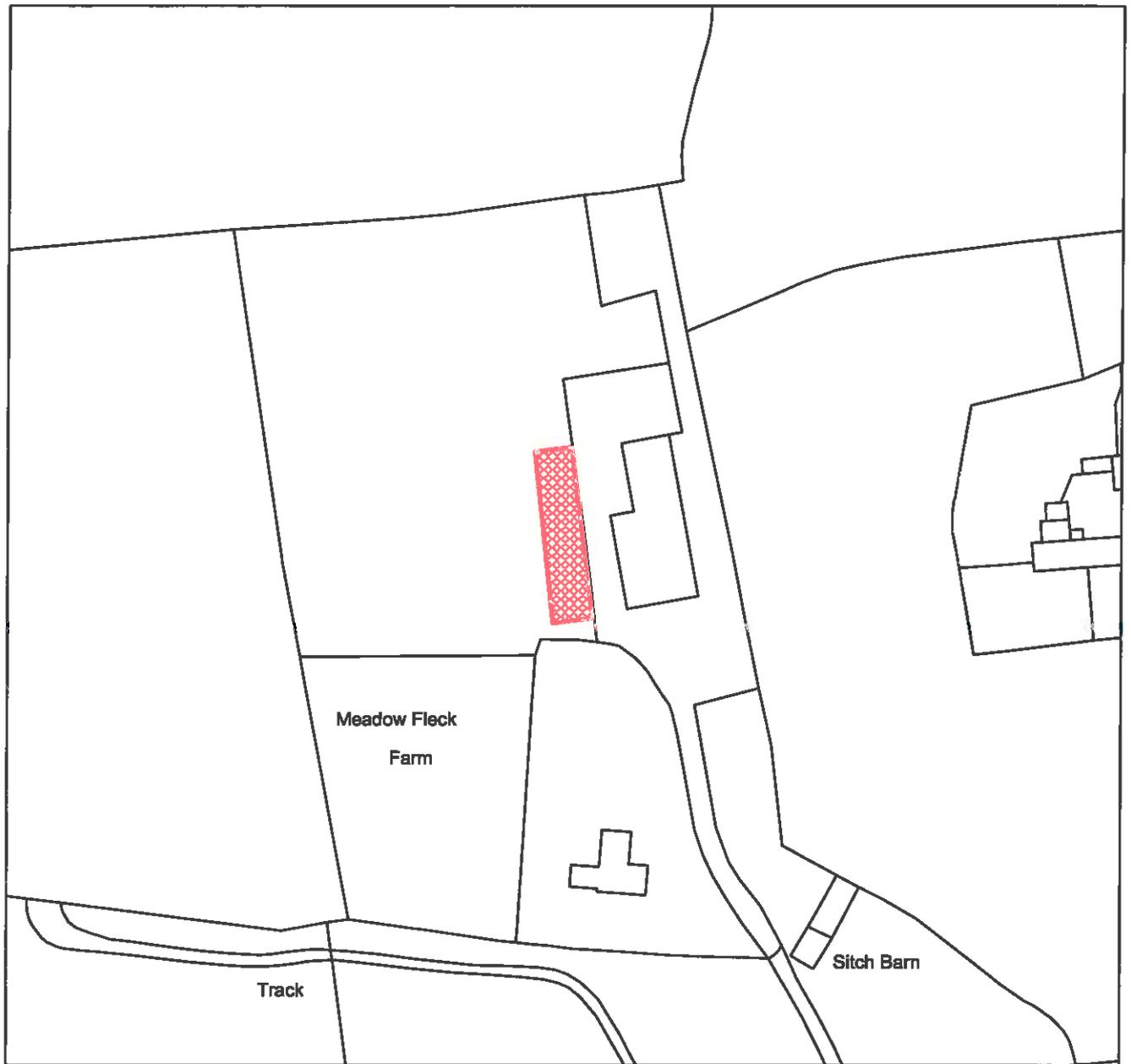
14/00778/OUT (Continued)

7. This decision notice relates to the following documents:
 - Junction plan 825-002A received 08.05.15
 - Arboricultural survey and constraints report received 12.11.14
 - Design and access statement incorporating visual impact assessment and appendices A and B received 17.11.14
 - Whitcher wildlife phase 1 habitat and protected fauna survey received 17.11.14
 - Letter from Whitcher wildlife received 17.11.14
 - Indicative layout 825-SK003 received 12.11.14
 - Highway impact statement received 17.11.14
 - Site plan received 12.11.14

BACK TO AGENDA

15/00467/FUL

Meadow Fleck Farm, Ashbourne Road, Carsington



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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

**15/00467/FUL INSTALLATION OF 38 NO. GROUND MOUNTED SOLAR PANELS
AT MEADOW FLECK FARM, ASHBOURNE ROAD, CARSINGTON
FOR MRS JOSEPHINE HAYWOOD**

Parish Council: Carsington
Application type: Full

Date of receipt: 08.07.2015
Case Officer: Mr Chris Whitmore

THE SITE AND SURROUNDINGS:

The application concerns an area of agricultural grazing / scrub land to the north of a recently constructed farmhouse at Meadow Fleck Farm and Sitch Barn, a stone building converted to holiday lets, which sit in open countryside to the north of Carsington Reservoir. The farmhouse and units of holiday accommodation share an access off a layby adjacent the B5035. The access track continues to the east of the farmhouse towards a large, modern agricultural building and the parcel of land, subject of this application. The field rises gently in a northerly direction and is bound on all sides by established hedgerows and hedgerow trees.

THE APPLICATION:

Planning permission is sought to erect 12 rows of 3 and one row of 2 photovoltaic (PV) panels on a narrow strip of land to the north of the main farmhouse and immediately to the west of the modern agricultural storage building. The panels will cover an area similar to the area covered by the existing agricultural storage building. They will be mounted on plastic buckets, 0.5m high at the back and 0.05m at the front which will be placed on the ground. Each panel will be 1.65m wide 1m high. The total output of the panels is stated to be 10KW. The applicant advises that the installation will help reduce their energy bill. Any residual energy will be fed back into the grid. A connection can be achieved to an overhead power cable located to south east of the agricultural storage building.

RELEVANT HISTORY:

08/00598/FUL	Erection of garden room	Granted
0995/0577	Erection of agricultural dwelling (approval of reserved matters)	Allowed at Appeal
0994/0588	Erection of agricultural dwelling (outline)	Allowed at Appeal

CONSULTATIONS:

Local Highway Authority:
No objections.

Parish Council:

Object. It is felt that this development may impact detrimentally upon the surrounding open countryside. The Parish Council would have preferred more detailed information as to siting as it is difficult to visualise the proposed location of the panels and how they will be viewed from afar. It is believed that the development would have been better suited to the barn roof as it would be less encroaching visually rather than siting panels in a field.

REPRESENTATIONS:

None.

POLICIES:

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

15/00467/FUL (Continued)

- SF5: Design and Appearance of Development
- SF6: Protection of the Best Agricultural Land
- NBE8: Landscape Character
- NBE26: Landscape Design in Association with New Development
- CS5: Renewable Energy Installations

Other:

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

ISSUES:

1. The main issue to consider in respect of this particular application is whether the benefits of the solar panel arrays (in terms of renewable energy production) outweigh any adverse impact the proposed development has on the immediate and wider environment and local landscape character. The scale and nature of the installation is such that it would not interfere with the agricultural activity carried out on the wider parcel of land nor would it have any significant adverse effect on its usefulness / versatility.
2. Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005) deals broadly with development in the countryside and supports development that provides for 'other needs' which can only be met in a rural area, where it is appropriate in nature and scale to the area, preserves / enhances the character and appearance of the countryside and minimises any adverse impact on the local environment. Policy NBE8 'Landscape Character' requires development to protect or enhance the character, appearance and local distinctiveness of the landscape. There is strong support in the National Planning Policy Framework for the use and supply of energy from renewable sources. Paragraph 98 states that Local Planning Authorities should approve applications for renewable energy installations where the impacts are, or can be made acceptable. Local Plan Policy CS5 aligns with guidance contained within the National Planning Policy Framework and deals specifically with renewable energy installations. It states that planning permission will be granted for installations where:
 - a. it can be demonstrated that the benefits of renewable energy production outweigh any adverse impact the proposed development has on the immediate and wider environment;
 - b. the proposal does not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses, and;
 - c. the proposal is sited so as to minimise the amount of harm to the immediate or wider landscape.
3. The part of the field upon which the panels are to be located / laid out is well contained by existing buildings to the south and east and to the north and west by existing mature hedgerows and trees. The panels themselves will be low lying, fixed to plastic buckets which will be no higher than 0.5m. Although the land is gently sloping, it is a field setback from the B5035. Existing landscape features, including a mature tree and established hedgerows, and the main farmhouse and stone barn, would effectively filter any views of the site / panels from the main road and from across the reservoir. The panels would not be visible from the north, east or west from any public vantage point. The benefits of the installation in terms of generation of renewable energy to serve the needs of the farm, would far outweigh the minimal impact of the panels on the local

15/00467/FUL (Continued)

landscape / immediate and wider environment in this case. A recommendation of approval is put forward on this basis.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit on Full
2. The arrays and associated infrastructure shall be removed from the site and the land re-instated to a field within 28 days of no longer being required for micro-generation.

Reasons:

1. Reason ST02a.
2. To ensure the removal of structures that are no longer required in the countryside in accordance with the aims of Policies SF4, NBE8 and CS5 of the Adopted Derbyshire Dales Local Plan (2005).

Footnote:

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.

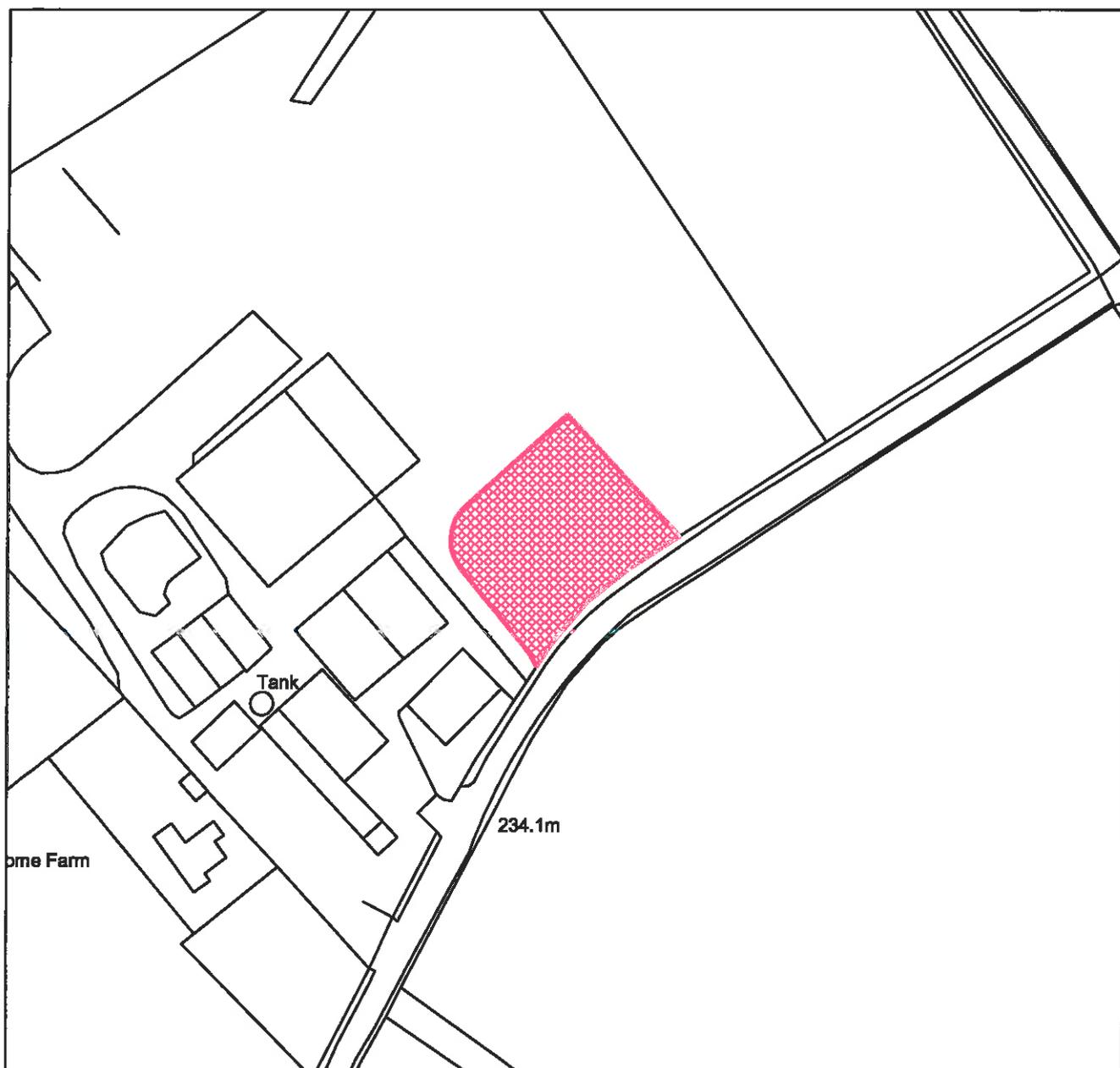
This Decision Notice relates to the following documents:

Application Form for Planning Permission;
1:2500 Scale Site Location Plan;
Supporting Photograph and Information, and;
NTS Site Layout Plan date stamped 7th July 2015.

BACK TO AGENDA

12/00332/OUT

Home Farm, Whitelea Lane, Tansley



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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

**12/00332/OUT ERECTION OF AGRICULTURAL WORKERS DWELLING (OUTLINE)
AT HOME FARM, WHITELEA LANE, TANSLEY FOR MR. & MRS G.
NEVILLE**

Parish Council: Tansley
Application type: Full

Date of receipt: 01.06.12
Case Officer: Mr. G. Griffiths

INTRODUCTION

This application is being re-presented to the Planning Committee further to the decision of the Central and Northern Area Planning Committee to grant planning permission subject to a Section 106 Agreement to tie the proposed agricultural workers dwelling, and the existing farmhouse, to the land holding.

To date, the applicant has not completed the legal agreement. However, in the meantime, permission has been granted, through the Prior Approval process, for the conversion of two barns adjacent to the farmhouse to be dwellinghouses. In this regard, there is a need to assess the appropriateness of granting outline planning permission for a new build dwelling at the property. The information submitted with the application, as previously presented to the Central and Northern Area Planning Committee on 11th October 2012, is repeated below with alterations to take into account the current circumstances.

THE SITE AND SURROUNDINGS:

The application site is in an area of open countryside immediately to the north west of Whitelea Lane and is a paddock to the north east of the existing farm complex.

THE APPLICATION:

Outline planning permission is sought for the erection of an agricultural workers dwelling with details of the access and layout being submitted; appearance, landscaping and scale are reserved matters. Notwithstanding this, an indicative drawing of the front elevation of the dwellinghouse has been submitted and the applicants have advised that the dwelling would be constructed in materials to match the dominant vernacular of the area; gritstone and Staffordshire Blue tiles. Access to the site is proposed via the existing farm access off Whitelea Lane. The dwellinghouse was originally proposed to be orientated with the building aligned facing north/south; the applicant has agreed to realign the dwellinghouse in an east/west direction further to Officer's concerns and has submitted a revised drawing in this respect.

The application is supported by a report from Bagshaws dated May 2012. A Planning Statement dated May 2012 has also been submitted and refers to the National Planning Policy Framework (NPPF). This advises that previous national planning policy and guidance has been superceded by the NPPF which advises in paragraph 55:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communitiesLocal Planning Authorities should avoid new isolated dwellings in the countryside unless there are special circumstances such as:-

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside.....*

The applicants consider that the above statement is reflective of guidance contained in the superceded Annex A of PPS7 which stated that:

12/00332/OUT (Continued)

there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work...

and that

new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units providing :

- *(i) there is a clearly established functional need...*

In brief, the report identifies the farming circumstances as follows:

- Home Farm is a dairy farm; the applicants own 120 acres and rents a further 100 acres of land adjoining their fields.
- The applicants and their three sons live in the farmhouse.
- The farm is operated by Mr. Neville and one of his sons who it is proposed would occupy the proposed dwellinghouse adjacent to the farmstead.
- It is advised that he needs to live in close proximity of the farm to fulfil his duties and share the significant work burden of the enterprise. He also needs to be available to provide essential care to the animals on the farm at short notice.
- Although there are properties for sale in the locality, the isolated location of the farm and the unaffordable nature of these properties for an agricultural worker means they are unsuitable to provide essential care at short notice.
- The livestock is as follows
 - o 140 dairy cows
 - o 50 in-calf heifers (over 24 months old)
 - o 50 bulling heifers (12-24 months old)
 - o 25 heifers (6-12 months old)
 - o 25 heifers (0-6 months old)
 - o 12 beef bulls (0-12 months old)
- This amounts to a requirement of 858 man days per annum with no allowance for overhead activities such as repairs and maintenance (overall labour requirement 986 man days) and thus a requirement for 3.58 full time workers.
- The farm also employs the applicant's father and a relief milker on a part-time basis.
- The arable enterprise (circa 50 acres) creates an additional labour requirement of 45 man days per annum, much of which is undertaken by the applicant and his son.
- Calving (which is principally at night) would be a significant burden if only the applicant lived on the site and there is a constant potential requirement for essential care of livestock at short notice.
- It is vital that more than one person is on site in periods where several animals are calving and in case of difficult births.
- The duties of inspection at night are shared at calving times – if the son lived away from the farm, this would mean it would result in numerous trips to and from the farm each night
- If the applicant or his son is away from the farm, it is imperative that one is living at the farm to ensure both welfare and safety of the animals and to protect from theft or injury by intruders.

12/00332/OUT (Continued)

The applicants have submitted a Design and Access Statement which refers to the National Planning Policy Framework and relevant policies contained in the adopted Derbyshire Dales Local Plan (2005). It is also identified that there is a stone barn within the farm complex which has been considered but discounted, as it is too close to the farm operation which would affect the business operation. Furthermore, it would be inappropriately located for a young family. There is also a field barn located 150m southeast of the farmstead which is considered somewhat isolated and unsuitable for the proposed agricultural workers dwelling.

The applicants have submitted accounts for the years ending 31st March 2010 and 2011 which detail that a profit has been made by the business between 2009 and 2011. A letter from the applicants' accountants advises that the farm has supported two families for a number of years and, whilst profits fluctuate, they have no reason to believe that the farm would not be able to support two families.

The applicants acknowledge that there are currently two dwellings on the holding; the main farmhouse (no agricultural tie) and a bungalow (with an agricultural tie). The bungalow is occupied by the applicants' father who is 80 years old and is retired from the farm which he bought in 1964. The applicants advise that whilst the bungalow is in close proximity to the farm, it is unlikely to be available for the applicants' son for a considerable number of years. The applicants refer to planning appeal cases where the Inspectors considered it unreasonable for retired workers to leave their dwellinghouse to provide the necessary accommodation for persons continuing the business operations.

The applicant referred to Officers concerns that, in future, may be pressure to lift occupancy tie on Sunnyside and advised that this would not be the case as the size of the business indicates a need for more agricultural workers to be employed on the farm. The two occupancy tied dwellinghouses referred to in Officer's report were advised to not available – the bungalow at Mooredge is no longer for sale and Knabhall Bungalow is tied to the nursery and is large and not within the applicants' financial means.

Details were also submitted from Bagshaws of all the dwellinghouses available within the wider Tansley area and why they are not suitable. Bagshaws advise that the applicant's son would earn between £35-40K based on a Farm Manager's grade (although actual earnings are lower). If standard man hours were used, the annual salary would be £25,665 and, if multiplied by a 4 times income borrowing rate, would be unable to borrow more than £102,660 to purchase a property. They have therefore discounted other dwellinghouses available in the area based on cost or distance from holding.

The properties for sale on the south side of A615 are advised to be too distant from farm in periods of ice and snow and if the son lived away from the farm, he would have to make numerous trips to and from farm each night which is wholly unsatisfactory and not supportive of a sustainable business. This is considered to cause intolerable physical toll, the suffering of animals, increased risks to father and have a direct impact on finances (ie not being able to inseminate cows when required, theft, etc.).

The applicant also submitted a letter from Westpoint Veterinary Services (Ashbourne) which advises that staff living at the farm are more likely to check sick and calving animals more frequently and particularly at night. It is stated that during calving it is paramount that two people are available immediately for human health and safety and animal welfare and that waiting for additional help has a detrimental effect on the outcome of the emergency.

12/00332/OUT (Continued)

RELEVANT HISTORY:

Home Farm

15/00351/PDA	Prior notification - Change of use of agricultural buildings to dwellinghouses (Use Class C3) and associated building operations (Barns 1 & 2) – Prior Approval Granted
08/00793/FUL	Dismantling and reconstruction of agricultural field barn (retrospective) - Refused
08/00531/FUL	Dismantling and reconstruction of agricultural field barn (retrospective) - Refused
04/05/0414	Change of use and conversion of barn to dwelling - Refused
02/02/0088	Erection of agricultural livestock building - Granted
02/02/0087	Erection of agricultural building (milking parlour) - Granted

Sunnyside

WED/0885/0611	Approval of reserved matters – Details of dwelling – Granted
WED/0585/0355	Agricultural worker’s dwelling (outline) - Granted

CONSULTATIONS:

Parish Council - Support application

Local Highway Authority - No objection subject to conditions

REPRESENTATIONS:

None

POLICIES:

1. National Planning Policy
National Planning Policy Framework
2. Adopted Local Plan (2005)
 - SF4 Development in the Countryside
 - SF5 Design and Appearance of Development
 - H4 Housing Development Outside Settlement Frameworks
 - H9 Design and Appearance of New Housing
 - 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

ISSUES:

The principle of a further agricultural workers dwelling for the farm was considered acceptable based on the functional and financial tests assessed when the application was presented to the Central and Northern Area Planning Committee on 11th October 2012. It was considered that there is an essential need for two workers to live “permanently at or near their place of work”. In addition, it was advised that no other buildings were suitable for conversion for such a dwelling.

Notwithstanding this, the applicant has recently submitted a Prior Notification (ref: 15/00351/PDA) for the conversion of traditional barns at the farmstead to two dwellinghouses which have been given the Prior Approval of the Local Planning Authority. These are in close proximity to the remaining farm buildings and in close proximity to the site of the proposed new build agricultural worker’s dwelling. These can be occupied

12/00332/OUT (Continued)

without restriction but nevertheless could also be utilised by the farm holding to provide the agricultural worker's accommodation.

As such, it is the view of Officers that there has been a significant change in circumstances since the 'in principle' granting of permission for the new build agricultural worker's dwelling. Therefore, given the recent Prior Approval, Officers consider that there is no longer a case or requirement for a new build agricultural worker's dwelling at the property. Given the above, it is recommended that outline planning permission now be refused.

OFFICER RECOMMENDATION:

That outline planning permission be refused for the following reason:

1. The proposed construction of a further agricultural workers dwelling to serve this farm holding is not considered necessary given the applicant has approval for the conversion of existing barns within the farmstead to provide for dwellinghouses which can serve the essential needs of the farming operation. As such, the development is considered unnecessary and contrary to government guidance contained in the National Planning Policy Framework and with the development plan, namely Policies SF4, SF5, H4 and NBE8 of the adopted Derbyshire Dales Local Plan (2005).

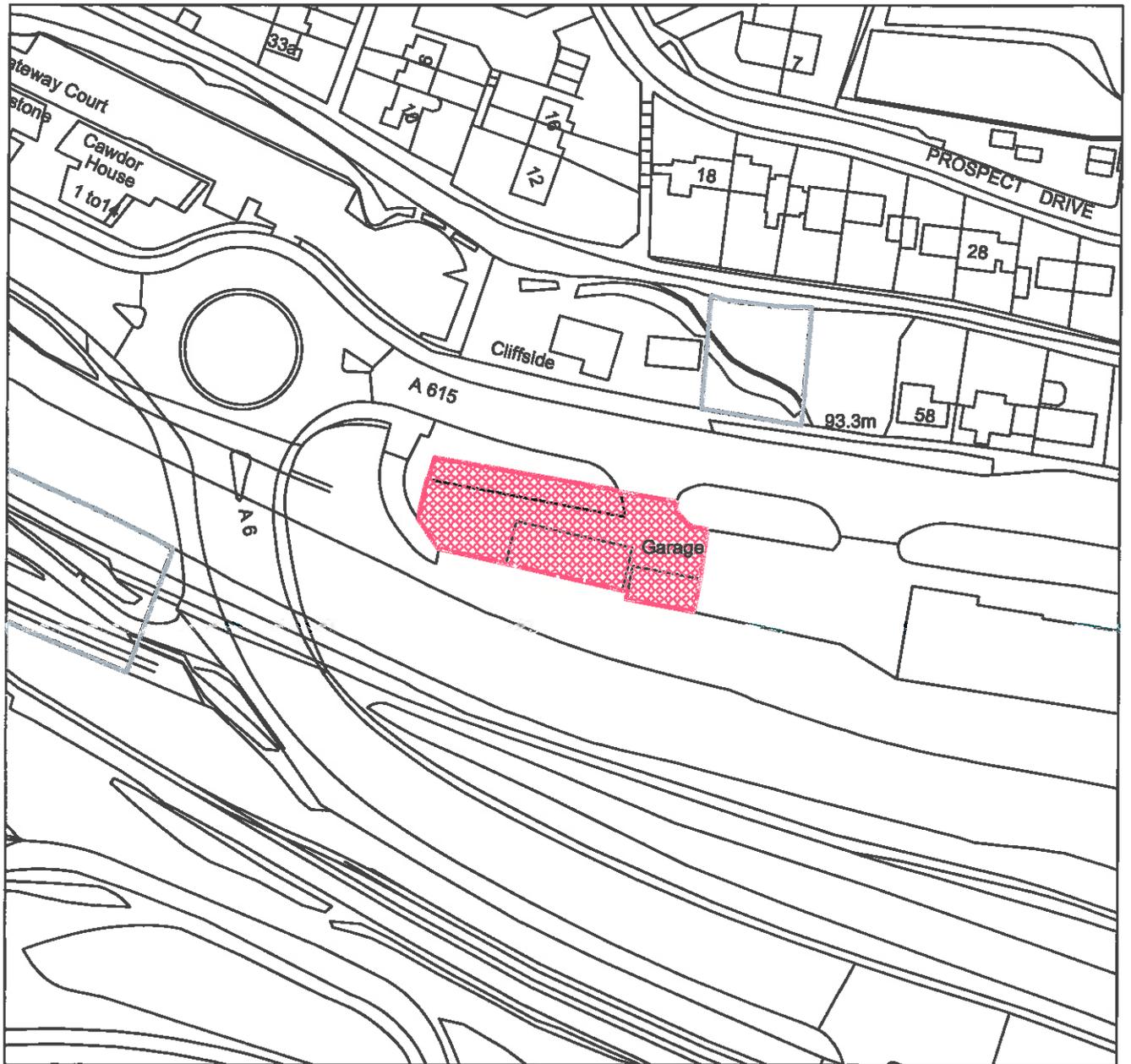
NOTES TO APPLICANT:

1. The Local Planning Authority has reconsidered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This decision notice relates to the following documents:
 - Site Location Plan 1:1250 received on 14th June 2012
 - Layout Plan 001 Rev. A received on 13th August 2012
 - Planning, Design and Access Statement received on 14th June 2012
 - Letter from Bourne & Co. received on 14th June 2012
 - Letter from Westpoint Veterinary Services (Ashbourne) received on 13th August 2012
 - Agricultural Appraisal (Bagshaws) received on 25th July 2012
 - Additional Information received on 25th July 2012 and 13th August 2012

BACK TO AGENDA

15/00310/FUL

43 Bakewell Road, Matlock



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

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

15/00310/FUL CAR WASH FACILITY AT 43 BAKEWELL ROAD, MATLOCK FOR WILLIAM TWIGG (MATLOCK) LTD.

Town Council: Matlock
Application type: Full

Date of receipt: 02.07.15
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site forms part of a wider site recently granted planning permission for a restaurant/food takeaway and bulk wine retail store. The application site itself is still used as a car wash facility.

The site lies to the west of Matlock town centre and is bounded by Bakewell Road to the north and the River Derwent and A6 to the south. The overall site is level and roughly rectangular with a frontage of some 170m and a depth between 14 and 22m. The site included three single storey buildings which have all but been demolished, and part of the car park/storage area to Twiggs.

The site is separated from Bakewell Road by a wide highway verge containing several trees and can be accessed via three entrance points. The rear boundary of the site is well treed and separated from the River Derwent by flood defences. The highway verge supports a group of four semi-mature Ash trees near the roundabout and a line of four semi-mature Lime trees located between the centre and eastern side of the site. The site is within a commercial area but with residential properties on the opposite side of the road. The site is within the Settlement Framework boundary of Matlock.

THE APPLICATION:

Planning permission 14/00249/FUL was granted for the redevelopment of the overall site to provide restaurant/food takeaway and bulk wine retail store with associated parking. This application seeks full planning permission for the retention of the car wash facility, with alterations to positioning, layout and buildings. This is being proposed further to the bulk wine retail store development no longer proceeding. This application has been submitted to also include part of the roadside verge.

The proposal is for a circulatory route around a central core of small administrative buildings. The buildings are proposed to be of modern design, albeit the applicant has not submitted details of the materials. A 2.3m high screen/retaining wall is also proposed to define the space for the circulatory route; again materials have not been specified. The buildings and wall will provide a screen of much of the car wash activity, with much of this being undertaken between the buildings and the flood wall to the River Derwent. A further canopy structure is proposed to the east of the principal car washing area for valeting.

For the most part the proposed layout will utilise the existing hard surfaced area. However, to achieve a free flowing circulatory route, it is proposed to encroach into the grass verge at the western end of the site which will require the removal of two of four Ash trees; these would be replaced with two trees which would be set further up the slope towards the highway and an additional tree is proposed to be planted in the verge to the east of the trees shown to be retained. The applicant advises that the verge would be landscaped with the two healthiest and most attractive trees also being retained.

15/00310/FUL (Continued)

RELEVANT HISTORY:

14/00820/FUL	Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking (revisions to planning permission - Granted
14/00810/ADV	Internally illuminated pole sign - Refused
14/00526/ADV	Illuminated & non-illuminated freestanding signage - Granted
14/00309/ADV	Internally illuminated pole sign – Withdrawn
14/00308/ADV	Internally illuminated and non-illuminated signage
14/00249/FUL	Redevelopment of site to provide restaurant/food takeaway and bulk wine retail store with associated parking - Granted

CONSULTATIONS:

Town Council – No objection subject to the protection of trees on the site.

Local Highway Authority – No objection subject to conditions.

Environment Agency – Holding objection as Flood Risk Assessment is inadequate.

DCC Flood Risk– No objection subject to a Condition with regard to the management of surface water drainage

Development Control Archaeologist – No objection.

REPRESENTATIONS:

Matlock Civic Association – Comment:

- no objection to permanent development of the site for a car wash which has provided a useful facility for the area
- some concern that a better quality building might have been provided and suggest a pitched roof
- unclear as to the materials
- major concern is the impact on the group of trees on the Bakewell Road frontage which were protected under the previous planning permission and should continue to be protected under the current proposal.

POLICIES:

1. Adopted Local Plan (2005)
 - SF1 Development within Settlement Frameworks Boundaries
 - SF5 Design and Appearance of Development
 - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
 - EDT4 Other Existing Employment Land And Business Premises
 - EDT8 Design And Appearance Of New Industrial And Business Premises
 - EDT11 Retail Uses within Employment Areas
 - NBE6 Trees And Woodlands
 - NBE26 Landscape Design In Association With New Development
 - S6 The Design and Appearance of Shops and Commercial Premises
 - S7 Shopfront Security
 - S8 Development to Realise the Potential of the River Derwent
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development

15/00310/FUL (Continued)

2. National Planning Policy Framework
3. National Planning Practice Guidance

ISSUES:

1. Introduction - Background

The principle of redevelopment of the overall site was established when planning permission was granted in August 2014 (ref: 14/00249/FUL). Planning policy was similar, albeit policies of the emerging Local Plan were referred to which has now been withdrawn from consideration. Nevertheless, the policies of the Adopted Derbyshire Dales Local Plan (2005) remain consistent with the National Planning Policy Framework.

Part of the application site currently contains an established car wash business. This has utilised a formerly vacant building and an area of hardstanding to the front of it as part of overall site. The owner of this business has sought alternative sites since the granting of planning permission for the restaurant/food takeaway and the bulk wine retail store. However, with the bulk wine retail store now no longer part of the development proposals, the owner of the car wash business wishes to remain on the site and in doing so provide a new facility to sit in the context of the restaurant/food takeaway.

The matters for consideration with the current planning application are the appropriateness of the car wash facility and its design, how the proposals will impact on the highway verge that is now proposed to be incorporated into the application site and the impact on trees contained within the verge as a result of the proposals.

2. Impact on the Character, Appearance and the Amenity of the Area.

The proposal is for a relatively modest set of buildings which, with the lower level of the site in relation to the highway, will be fairly recessive in views from the roundabout to the west. Whilst details of materials have not been submitted, this is likely to entail metalwork for the canopy structure and brick/stone for the walls. In this respect, it is considered reasonable for the materials to be subject to a Condition on any grant of planning permission.

In terms of amenity, there are conditions on the hours of operation, limitation to the use of two high pressure cleaners and lighting restrictions on the existing car wash facility; it is considered reasonable to repeat these conditions to safeguard the amenity of neighbouring residents.

3. Highway Matters

The Local Highway Authority has considered the amended proposal and raised no objection. It requires that the previous conditions are attached to any planning permission and a further condition with regard to the demarcation of the highway boundary/application site. It has also requested an informative be attached to any planning permission that no works may commence until the land in question has been stopped up.

4. Impact on Trees

Since the application has been submitted without a supporting arboricultural report, the comments below refer to the submission of reports that accompanied a previous application, 14/00249/FUL. This was supported by a comprehensive Arboricultural Survey and Impact Assessment Report.

15/00310/FUL (Continued)

An analysis of the Arboricultural Report and an inspection of the trees has been undertaken by the District Council's Arboricultural Officer with the conclusion that individually the semi-mature trees within the highways verge are of no particular merit, although as a group they contribute to the streetscene along the A6 which serves as the northern arterial access route to Matlock.

However, these are semi-mature trees, whilst only approximately 40 years of age, have been excessively crown lifted. In addition, being a group of trees that have grown up together, some have one-sided canopies and hence the loss of any of the trees would have a profound impact on the group as a whole. Due to these factors, and the possibility that the trees will be affected by Ash Dieback in the future, it is anticipated that the trees would have a useful life expectancy of only 5 to 20 years. Therefore, the District Council's Arboricultural Officer concurs with the view expressed in the Arboricultural Report that an alternative, and possibly more sustainable, approach might be to remove these trees and replace them with better quality specimens with greater longevity.

In order to assess the need to remove the trees, the Local Highway Authority has been consulted on whether the layout of the site and the circulation of it could be amended in order to retain the trees. It has been advised by the Local Highway Authority that whilst it is not clear how many vans may actually go through the car wash, on the basis this will be the largest vehicle, there seems to be little margin for any adjustment to the turning area provided. Purely from a highways perspective this would be considered acceptable.

With regard to large cars, these are approximately 5m long and, whilst they may have a slightly better turning circle, the difference 'on the ground' would be negligible. In this respect, the Local Highway Authority does not consider moving the western building would have much impact as, in order for the tree to be retained, the existing kerb-line would need to remain roughly in its existing location. This would be likely to introduce a reversing manoeuvre as it is unlikely the turn could be made in 'one go'. Whilst this would not be unsafe from a highways viewpoint, it would obviously be less desirable for the operator.

Therefore, it is considered that the proposed development will reasonably require the removal of the second Ash tree from the west. This tree already contains broken branches within the crown due to wind damage in this exposed location and, of the remaining overlong spindly branches, at least one has a split approximately 1–1.25 metres in length. If this tree is removed, then the Ash nearest the roundabout, which has a completely one-sided canopy, would also need to be removed. However, this would allow for the planting of better trees, with a longer term future, such as underground guyed, semi-mature specimens with trunk girths of 25 -30 cm of the variety *Tilia platyphyllos* 'Rubra'; this would be in keeping with the replacement tree planting undertaken on stretches of the Whitworth Limes.

The District Council's Arboriculturalist considers that there is a reasonable probability that the removal of two of the group of four Ash trees will lead to the need to remove and replace the rest due to the exposure of these trees to unaccustomed wind forces. Whilst the removal of all four trees is not proposed by the applicant, this is a matter that needs addressing. It is considered reasonable to allow for the removal of the two trees detailed but to require the retention of the other two trees until such time as their removal may be deemed necessary, at which point they would also need to be replaced. This will ultimately result in an improved group of trees. As such, the impact on the existing trees is not, in the balance, considered sufficient reason to refuse planning permission for the redevelopment of this site in the manner proposed, with a landscaping scheme that would

15/00310/FUL (Continued)

be of benefit in the medium to long term and the continued employment benefits and site improvement this would bring.

5. Drainage

The Environment Agency has raised no objections to previous planning applications for the redevelopment of the site previously, albeit subject to Conditions. However, the Environment Agency has raised a holding objection to the current application as it is considered the applicant's Flood Risk Assessment (FRA) is inadequate for the site specific proposal. Information is required to demonstrate where the surface water discharge will outfall from the proposed development and the FRA is not for the proposed car wash but the previous development of the restaurant/takeaway and bulk wine retail Unit. As such, the FRA needs to be undated with the proposed development of this part of the site as a car wash facility. Given that the facility exists, it is considered by Officers to be likely that this can be addressed.

A further matter which needs to be addressed is for the applicant to demonstrate an adequate easement between the proposed development and flood defence asset running around the site. The proposed development has a stone wall proposed next to the Environment Agency maintained flood defence asset. This will hinder access to the structure for maintenance and future flood defence works and no information has been provided to demonstrate the proposed wall will have no detrimental impact on the flood defence.

In this respect, it is expected that these matters can be addressed prior to the consideration of the application by Committee or, if necessary, that if planning permission is recommended to be granted in principle, delegated authority could be given to the Development Manager to determine the application based on whether the Environment Agency approve the requisite Flood Risk Assessment.

DCC as Land Drainage Authority has commented and requested a condition with respect to surface water drainage; this reflects the condition previously requested by the Environment Agency and it is considered, for the sake of consistency, that the previous drainage Conditions are re-applied unless amended at the requirement of the Environment Agency.

6. Conclusion

Given the above, it is considered that the proposals will preserve the character and appearance of the area and retain employment on the site with a development which will improve its character and appearance, although conditions will be required as per the previous planning permission. There is also the requirement for additional conditions to include the protection and replacement of the trees, the provision of a crash barrier to protect the trees to be retained and details of any lighting columns..

OFFICER RECOMMENDATION:

Subject to addressing the holding objection of the Environment Agency, that delegated authority be given to the Development Manager to grant planning permission subject to the following conditions and any additional conditions and footnotes required by the Environment Agency:

1. Condition ST02a Time Limit on Full
2. Condition DM1 All Materials to be Approved – General

15/00310/FUL (Continued)

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
- (i) the retention of all trees shown to be retained on the approved drawings within the application site, unless otherwise agreed in writing by the Local Planning Authority;
 - (ii) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - (iii) means of enclosure;
 - (iv) the crash barriers
 - (v) hard surfacing materials;
 - (vi) minor artefacts and structures (e.g. furniture, other storage units, etc.); and
 - (vii) any lighting columns and all means of external lighting within the application site.

Any proposals to remove a tree(s) further to those detailed on the approved drawings to be removed, shall be first be agreed in writing by the Local Planning Authority, in accordance with an arboricultural report from a certified arboriculturalist. Thereafter, the tree(s) shall be replaced in the next planting season with approved species that are semi-mature, to be agreed in writing by the Local Planning Authority. All hard landscaping and means of enclosure shall also be carried out in accordance with the approved details prior to any part of the development first being brought into use or in accordance with a programme to be agreed in writing with the Local Planning Authority.

4. Notwithstanding the submitted information, before the development commences the following matters relating to site contamination shall be addressed and details submitted to approved in writing by the Local Planning Authority:
- a) Design Sulphate Class DS-5 and an Aggressive Chemical Environment for Concrete site classification AC-5 must be adopted for all concrete below ground; and
 - b) if piled foundations are used, a Design Sulphate DS-4 (based on water soluble sulphate) and an Aggressive Chemical Environment for Concrete site classification AC-4 must be adopted; and
 - c) due to the presence of methane, specific gas protection measures must be incorporated into the new buildings in accordance with CS2 (characterised as low potential hazard) in accordance with BS 8485 and CIRIA 665; and
 - d) due to the presence of hydrocarbon contamination as well as aliphatic TPH fraction >C12-C16 as well as benzo(a)pyrene, a hydrocarbon resistant membrane must be incorporated into the gas protection measures for the new buildings; and
 - e) due to the presence of asbestos, no man made materials in the area identified as WS6 in the survey should remain at the surface following completion of the proposed development. They should be capped with either hard standing or a cover of aggregates or soft landscape comprising of a minimum of 300mm of imported clean material. In addition, appropriate precautions must be undertaken at all times to protect both people working on the site as well as members of the public during demolition, clearance and construction; and
 - f) if further areas of contamination are identified during demolition, clearance or development, specialists must be contacted to immediately to allow

15/00310/FUL (Continued)

further assessment to ensure that the identified critical receptors are not at risk. The Local Planning Authority shall be kept informed of any such developments and be supplied with copies of any assessments; and

- g) a Petroleum Licensing Search must be carried out for the site to provide information on any existing or former tanks on the site; and
- h) further investigation must be undertaken to fully determine the lateral and vertical extent of the hydrocarbon contamination identified on site and must include an assessment of the ground water quality beneath the site. Based on the findings of this investigation, a quantitative risk assessment may be required by the Local planning Authority in order to fully assess the potential risk to controlled waters from the recorded concentrations of TPH.

No development shall commence until the above matters are first agreed to in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

- 5. Within one month of the date of this permission a survey of the existing flood wall that runs along the southern boundary of the site shall be undertaken and submitted to the Local Planning Authority. The survey shall be carried out by a suitably qualified Structural Engineer and shall assess the condition of the existing flood wall. All recommendations made by the survey shall be fully implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority in consultation with the Environment Agency.
- 6. Prior to the commencement of development, a plan showing the final position of the new substation, which maintains the Environment Agency's access arrangements to the flood defence wall, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The substation shall be constructed in accordance with the approved plan.
- 7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - a) Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the latter be in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*'.
 - d) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations

15/00310/FUL (Continued)

inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
8. Finished ground floor levels shall be set no lower than 93.23 metres above Ordnance Datum for the proposed building 'A' wine store and 92.99 metres above Ordnance Datum for the proposed building 'B' restaurant/food takeaway unless otherwise approved in writing by the Local Planning Authority in consultation with the Environment Agency.
9. No development shall take place until a construction management plan/construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The plan/statement shall provide for:
 - a. Parking of vehicles for site operatives and visitors
 - b. Storage of plant and materials and site accommodation
 - c. routes for construction traffic
 - d. method of prevention of mud / debris being carried onto the public highway
 - e. proposed temporary traffic restrictions
 - f. arrangements for loading / unloading and turning vehicles within the site.
 - g. Site access arrangements and any hoarding.
 - h. Phasing of works on site / construction program.
10. The premises, the subject of the application, shall not be taken into use until space has been provided within the site, in accordance with the approved application drawings, for the parking and manoeuvring of visitors, customers, staff and delivery vehicles, all to be laid out, constructed and appropriately marked, as may be agreed with the Local Planning Authority. The facilities thereafter shall be retained throughout the life of the development free from any impediment to their designated use.
11. Before any other operations are commenced details regarding the demarcation of the highway boundary/application site shall be submitted to the Local Planning Authority for approval. The approved works shall be carried out in full accordance with the approved details within 6 months of works commencing on site, or prior to occupation of any unit the subject of the application, whichever the sooner, all as may be agreed in writing with the Local Planning Authority.
12. The hours of operation of the premises shall only be between the hours of 08.00 to 18.00 on Monday to Saturday and 09.00 to 16.00 on Sundays and Bank Holidays.
13. All external lighting shall be switched off outside of the normal working hours detailed in Condition 2 above.
14. The development hereby approved shall be limited to the use of two high pressure cleaners unless otherwise approved in writing by the Local Planning Authority.

15/00310/FUL (Continued)

Reasons:

1. Reason ST02a
2. To ensure the satisfactory appearance of the development to comply with Policies SF1, SF5, EDT8 and S6 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development and to safeguard the amenity of the area to comply with Policies SF1, SF5, EDT8, NBE6 and NBE26 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
4. To ensure that risks from land contamination to the future users of the land and buildings are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with government guidance contained in the National Planning Policy Framework.
5. To safeguard the structural integrity of the flood wall for the benefit of the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
6. To protect the Environment Agency's access to maintain the existing flood defence wall to comply with government guidance contained in the National Planning Policy Framework.
7. To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the future maintenance of the sustainable drainage structures to comply with government guidance contained in the National Planning Policy Framework.
8. To reduce the risk of flooding to the proposed development and future users to comply with government guidance contained in the National Planning Policy Framework.
9. In the interests of highway safety and to comply with Policy TR1 of the Adopted Local Plan Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
10. To ensure the provision of adequate parking facilities in the interests of highway safety and to comply with Policy TR8 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.
11. In the interests of highway safety and to comply with Policy TR1 of the Adopted Derbyshire Dales Local Plan (2005) and government guidance contained in the National Planning Policy Framework.

15/00310/FUL (Continued)

12-14. To safeguard the amenities of occupiers of neighbouring residential properties to comply with Policies SF1, EDT5 and EDT8 of the Adopted Derbyshire Dales Local Plan (2005).

NOTES TO APPLICANT:

1. When seeking to discharge the above planning condition, it should be noted that the Environment Agency does not consider oversized pipes or box culverts as forms of sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. The proposed development works above entail the use of land which currently forms part of the public highway. No works may commence until the land in question has been stopped up. Pursuant to Section 247 of the Town and Country Planning Act 1990, a stopping up application should be made to the Government Office. As part of the consultation process associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.
3. 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.
4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soak-away within the site.
5. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 538578). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
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 Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).

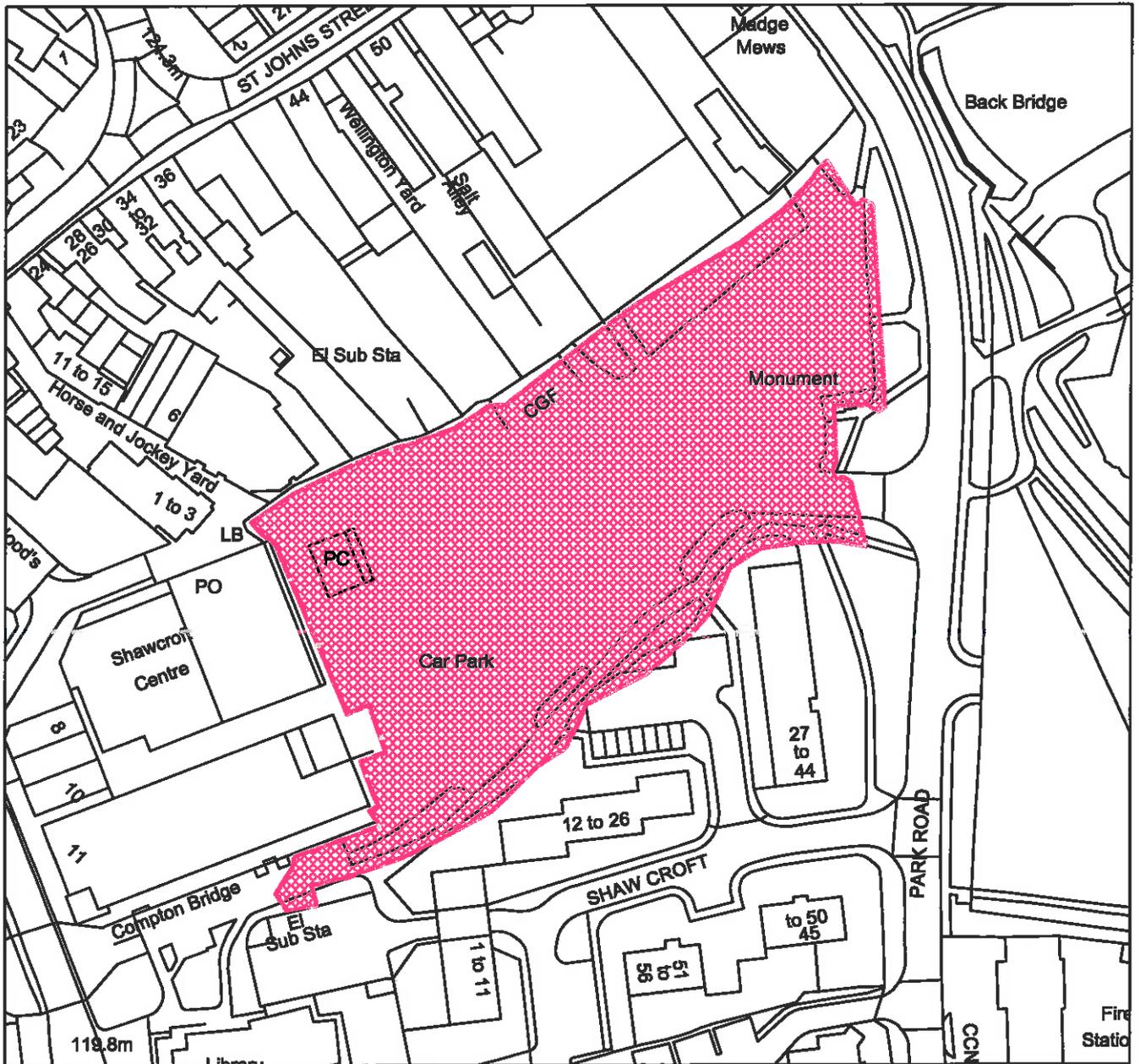
15/00310/FUL (Continued)

7. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
8. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
9. 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.
10. 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 additional information which overcame initial problems with the application relating to the assessment of the swept path analysis for vehicles manoeuvring on the site and the impact on the trees within the verge.
11. This decision notice relates to the following documents:
 - Site Location Plan 1:1250 received on 1st May 2015
 - Drawing Nos. 2124-123, 124, 125 and 126 received on 1st May 2015
 - Design and Access Statement received on 2nd July 2015
 - Flood Risk Assessment received on 30th April 2015
 - Swept Path Analysis Drawing received on 21st August 2015.

BACK TO AGENDA

15/00450/FUL

Shawcroft Car Park, Park Road, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 26/08/2015

100019785

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

15/00450/FUL

RESURFACING WORKS AND REPOSITIONING OF TICKET MACHINES AT SHAWCROFT CAR PARK, PARK ROAD, ASHBOURNE FOR MR MIKE GALSWORTHY, DERBYSHIRE DALES DISTRICT COUNCIL

Town Council: Ashbourne
Application type: Full

Date of receipt: 30.06.15
Case Officer: Mr C. Whitmore

THE SITE AND SURROUNDINGS:

The application relates to Shawcroft car park, which is a large public pay and display parking facility with access from Park Road, Ashbourne. The car park is surfaced in tarmac and extends from Park Road up to Horse and Jockey Yard and Waitrose some 120m to the west. At the eastern end of the car park is the Shrovetide Football Plinth. The Ashbourne Town Centre Conservation Area boundary is immediately to the north of the site and service areas to a number of stores / retail units are to the west. Shawcroft flats are located to the south.

THE APPLICATION:

Planning permission is sought to re-surface the car park in tarmac, as the existing surface has become uneven and worn. As part of the resurfacing works additional parking spaces will be created, by taking out raised flower beds around the site and a palisade fence, Black Locust tree and grassed area at the northern end of the site. Parking is shown to be in three blocks in the main body of the site, with additional parking around the outer edge. Disabled parking is mainly at the western corner of the site, adjacent to Horse and Jockey Yard, with two additional spaces provided at the north east end of the site and four spaces in the south western corner.

A cycle stands is shown at the south western end of the car park.

Ticket machines are to be located close to the areas where disabled car parking spaces are to be provided.

The revised layout will offer an additional 45 car parking spaces, 4 disabled spaces and 3 cycle spaces and retention of the bus stop.

The supporting design and access statement advises that a disability audit of the existing car park was carried out by Peak and Dales Volunteering and Advancement Project, to determine its suitability for disabled access. The re-design of the layout has taken the results of this survey into account, with the aim to improve access and use of the facilities by disabled motorists and passengers. This includes re-positioning disabled parking bays and relocation of the pay points.

The application is accompanied by a tree survey report and a flood risk assessment, which concludes that the development will not increase the risk of flooding in the local area.

RELEVANT HISTORY:

10/00772/FUL	Erection of public toilets buildings and associated alterations to car park layout	Granted
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CONSULTATIONS:

Local Highway Authority:
No objections.

15/00450/FUL (Continued)

Town Council:

No objections, however, draw attention to possible flood risks, the loss of trees and the possibility of their involvement in shaping the scheme going forward.

REPRESENTATIONS:

Representations have been received from an agent acting behalf of Waitrose requesting additional time to consider the revised parking layout and the implications it will have on the ability of articulated vehicles being able to service the store and safety within the car park.

POLICIES:

Adopted Derbyshire Dales Local Plan (2005):

SF1:	Development within Settlement Frameworks Boundaries
SF5:	Design and Appearance of Development
SF8:	Catering For the Needs of People with Disabilities in Development and Redevelopment
NBE6:	Trees and Woodlands
NBE8:	Landscape Character
NBE21:	Development Affecting a Conservation Area
TR1:	Access Requirements and the Impact of New Development

Other:

The National Planning Policy Framework (2012)

The National Planning Policy Guide (2014)

ISSUES:

1. The main issues to assess in the consideration of this application are whether the resurfacing works and relocation of the ticket machines preserve or enhance the character and appearance of this part of Ashbourne and makes good use of existing infrastructure. Notwithstanding the fact that the car park borders Ashbourne Conservation Area, the nature of the development is such that it would not adversely affect the setting of this designated heritage asset. Whilst the comments of the Town Council are noted the existing car park is already surfaced in tarmac and concrete. Resurfacing it in the same material will not aggravate any existing flooding situations. Two manholes in the raised bed are to be lowered by 0.9m and given hinged covers to allow for possible lifting and reseating by flood waters in the event of extreme flood events.
2. Policy SF5 of the Adopted Derbyshire Dales Local Plan deals with matters of design and aligns with guidance contained within the National Planning Policy Framework. It advises that planning permission will only be granted for development where the scale, density, massing, height, layout, access, materials of construction and landscaping preserves or enhances the quality and local distinctiveness of its surroundings. These provisions are reflected in Policy SF1, which deals broadly with development in existing settlements.
3. As stated in the supporting information, the existing car park is uneven and worn. Resurfacing the area in tarmac will improve its general appearance. Although shrub planting in the raised beds will be removed, these existing raised beds are in a poor state of repair and are mainly empty. One of the raised beds to be taken out contains 3 no. conifers which will be removed. Although a tree will be removed at the northern side of the car park it is of limited amenity value and will facilitate better

15/00450/FUL (Continued)

circulation for cars, buses and delivery vehicle, which would far outweigh its loss. The revised layout accommodates the remaining 20 no. trees around the site such that the overall balance between parking and landscaping is not significantly changed. The relocation of the ticket machines will have a negligible impact on the surrounding area.

4. An agent representing a supermarket which is serviced off the car park has requested additional time to consider the revised parking layout and the implications it will have on the ability of articulated vehicles to service the store and safety within the car park. Whilst these further comments will be taken into consideration, space has been accommodated for the turning of delivery vehicles within the layout. Should it prove necessary the layout could be readily modified to take account of established servicing arrangements. The Local Highway Authority are satisfied that the development would have no implications on the wider highway network.
5. The development will tidy up the site generally and will improve the appearance of the car parking surface, whilst at the same time increasing the number of parking spaces and improving access to the town for disabled people. For reasons set out above it is considered that the development would enhance the character and appearance of this part of Ashbourne and makes good use of existing infrastructure and it is recommended that the application be approved on this basis.

OFFICER RECOMMENDATION:

Planning permission be granted subject to the following condition:

1. ST02a Time Limit On Full.

Reasons:

1. ST02a.

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.

This Decision Notice relates to the following documents:

Application Form for Planning Permission;

1:1250 Scale Site Location Plan;

Design and Access Statement;

Environment Agency Correspondence and Flood Data;

Severn Trent Water Ltd Sewer Record Plans;

1:20 Scale Landscaped Raised Planter, Kerb and Manhole Details Plan;

Flood Risk Assessment by Parameter Trading and Maintenance Ltd;

Tree Survey Report;

Tree Removal and Protection Plan numbered 1400856/X/300, and;

1:200 Scale Layout / Landscaping Plan numbered 1400856/X/100 Rev A date stamped 30th June 2015.

BACK TO AGENDA

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 8TH SEPTEMBER 2015

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
13/00818/FUL	Bradley Nook Farm, Hulland Ward	WR	Appeal dismissed - copy of appeal decision attached
14/00801/FUL	Keepers Field, Bullhill Lane, Ireton Wood	WR	Appeal being processed
ENF/14/00082	Keepers Field, Bullhill Lane, Ireton Wood	WR	Appeal being processed
14/00641/FUL	Parkfield Byre, Offcote, Kniveton	WR	Appeal being processed
15/00009/VCOND	Home Farm, Main Street, Hopton	WR	Appeal being processed
15/00086/FUL	35 The Green Road, Ashbourne	WR	Appeal being processed
15/00141/FUL	Halfway House, Clifton Road, Clifton	WR	Appeal being processed
14/00354/OUT	Leys Farm, Wyaston Road, Ashbourne	PI	Appeal being processed
14/00771/PDA	Chapel Farm, Hollington	WR	Appeal being processed
13/00565/FUL	Barn at Riggs Lane, Marston Montgomery	WR	Appeal being processed
15/00048/FUL	Land east of Glebe Farm, Doveridge	WR	Appeal being processed
14/00073/VCOND	Crowtrees, Thurvaston Lane, Longford	WR	Appeal being processed
15/00261/FUL 15/00262/LBALT ENF/15/00014	Sturston Hall Farm, Sturston, Ashbourne	WR	Appeals being processed
15/00089/FUL	Land at Dayfields Farm, Atlow	WR	Appeal being processed
14/00844/FUL	Barn to rear of Jays Cottage, Green Lane, Norbury	WR	Appeal Withdrawn – see attached letter

Central			
14/00704/FUL	25 Cavendish Road, Matlock	HH	Appeal being processed
T/14/00138/TPO	Beech Hurst, 228 Dale Road, Matlock Bath	WR	Appeal being processed
14/00617/FUL	The Woodyard, Homesford, Whatstandwell	WR	Appeal being processed
15/00055/FUL	Argyll Cottage, Old Hackney Lane, Hackney	WR	Appeal being processed
15/00295/OUT	9 Eversleigh Rise, Darley Bridge	WR	Appeal being processed
15/00296/OUT	Nether Close Farm (Cattery), Starkholmes Road, Matlock	WR	Appeal being processed
15/00200/FUL	1 Hawleys Close, Hawleys Close, Matlock	WR	Appeal being processed
ENF/13/00022	Woodside Farm Buildings, Back Lane, Darley Moor	H	Appeal being processed
15/000249/FUL ENF/15/00019	Sleepy Hollow Farm, Hopton Lane, Godfrey Hole, Wirksworth	WR	Appeals being processed

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

OFFICER RECOMMENDATION:

That the report be noted.

BACK TO AGENDA

Appeal Decision

Site visit made on 23 March 2015

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 20 August 2015

Appeal Ref: APP/P1045/A/14/2219562

Bradley Nook Farm, Hulland Ward, Ashbourne, DE6 3EL

- 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 E Wilde (NE Wilde & Son) against the decision of Derbyshire Dales District Council.
 - The application Ref 13/00818/FUL, dated 21 November 2013, was refused by notice dated 9 April 2014.
 - The development proposed is 'proposed installation of a 50kW wind turbine on land at Bradley Nook Farm'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the landscape character and visual amenity of the area.

Reasons

3. The appeal site is a grass field located within Bradley Nook Farm which is a working livestock farm extending to approximately 174 acres. The majority of the acreage is improved grassland providing grazing and forage for cattle. The proposed location of the turbine is approximately 280m to the northwest of the farm buildings, on the opposite side of a country lane to them.
4. The proposed turbine would have a hub height of 29.5m. It would be triple bladed, each blade measuring 10m in length and painted white. The total blade tip height of the proposal would therefore be 40m (or 39.99m to be exact).
5. A previous application for a wind turbine at the appeal site, of the same size and design to this appeal proposal, was refused by the Council in 2012 for reasons similar to those given for refusing permission for the scheme before me. However, the previous proposal was in a slightly different location, being closer to the A517 road.

Policy Framework

6. For the purposes of the development plan, the appeal site is within the countryside. As such, policy SF4 of the Derbyshire Dales Local Plan (Adopted 2005) (Local Plan) applies. This policy states that development in the

- countryside will only be permitted if, among other things, it forms part of a farm-based diversification scheme. Of those other types of development listed within the policy, none appear directly relevant to this appeal proposal.
7. Policy SF5 sets out the Council's general approach to the design and appearance of development, including that planning permission will only be granted for development where the scale, massing, and height preserves or enhances the quality and local distinctiveness of its surroundings.
 8. Policy NBE8 relates to landscape character, stating that planning permission will only be granted for development that protects or enhances the character, appearance and local distinctiveness of the landscape.
 9. Policies CS5 and CS6 set out the Council's approach to renewable energy and wind turbines in particular. Policy CS5 states that planning permission for renewable energy installations will be granted where; it can be demonstrated that the benefits of renewable energy production outweigh any adverse impact the proposed development has on the immediate and wider environment and; the proposal does not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses and; the proposal is sited so as to minimise the amount of harm to the immediate or wider landscape. Policy CS6 goes on to state that planning permission will only be granted for wind turbine generators where, among other things, it can be demonstrated that the proposed development does not have an unacceptable adverse impact upon the immediate or wider landscape.
 10. One of the core planning principles of the National Planning Policy Framework (Framework) states that planning should support the transition to a low carbon future in a changing climate by, among other things, encouraging the use of renewable resources (paragraph 17). Paragraph 97 of the Framework goes on to state that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.
 11. Paragraph 28 also states that planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, including promoting the development and diversification of agriculture and other land-based rural businesses.
 12. Planning Practice Guidance (the 'PPG') confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable¹.
 13. The Council's overall approach in balancing the need for certain types of development to take place in the countryside, including renewable energy proposals and farm diversification schemes; along with other with other considerations including the landscape character and visual impact of such proposals is, read as a whole, generally consistent with that of the Framework.
 14. The Council have also referred to policies from the emerging Derbyshire Dales Plan. However, the emerging Local plan is at an early stage in its preparation and it is not clear, based on the evidence before me, the extent to which there

¹ Paragraph: 001Reference ID: 5-001-20140306

may be outstanding unresolved objections to those policies referred to. I therefore attach very limited weight to them.

Landscape Character and Visual Amenity

15. The Council's guidance for assessing landscape sensitivity and visual impacts of renewable energy technology, including wind turbines, is set out in the 'Peak Sub-Region Climate Change Study' (Final Report 2009) (PSR-CCS). For the purposes of this document the development proposed is well within the range of a medium sized turbine, which is defined as being between 15m and 65m in height. The PSR-CCS describes specific landscape attributes which may be affected and sets out further guidance on how wind turbine proposals may best be accommodated within these Landscape Character Areas (LCA).
16. In terms of landscape character, the appeal site lies within the settled plateau farmlands landscape type of the Needwood and South Derbyshire Claylands Landscape Character Area (LCA 24). The Council assessed the original application with regard to its effect on both LCA Area 24 and also the wooded slopes and valleys landscape type of the 'Derbyshire Peak Fringe and Lower Derwent LCA' (LCA 20). The appeal site is close to LCA 20 and the proposal would be situated on higher ground when viewed from the lower valley slopes and Henmore Brook. I shall therefore also have regard to the effect of the proposal on both LCA 24 and LCA 20.
17. The appeal site is also overlooked by the settled farmlands landscape type of the 'Derbyshire Peak Fringe and Lower Derwent LCA' (LCA 10) and the Council also had regard to the impact of the proposal on this area. Whilst LCA 10 is further away from the proposed location of the turbine, the proposal would be visible from within it due to the steeply sloping topography of the area. I will therefore also have some regard to the impact of the proposal on this LCA type in my assessment of the proposal.
18. The LCA 24 landscape type is characterised by gently rolling upland plateaux extending onto ridgetops; pastoral farming; densely scattered boundary trees and occasional small woodland blocks and; small to medium sized fields surrounded by hedgerows. Within LCA 24, the landscape attributes which are identified as being of particular sensitivity are the open views to and from the lower ground and the ridge tops. It is stated that medium sized turbine proposals may be appropriate where they are linked to brownfield, or other modern development. It also advises that the screening benefits of existing trees and small woodland should also be considered so as to better integrate the proposed turbine into the landscape.
19. To the north of the site, towards Henmore Brook, the area transitions into LCA 20. This area's key characteristics include upland, undulating ground rising up to moorland; slopes that are moderate to steep, and steepen along stream valleys; densely scattered small to medium ancient woodland and hedgerow trees; irregular field pattern bounded by mixed species hedgerow and; a network of winding lanes, often sunken on steeper slopes with rocky banks.
20. Henmore Brook itself is within the River Meadows landscape type of this LCA. There are also several other watercourses, which are also distinctive feature in the landscape. The landscape attributes of LCA 20 which are considered to be most sensitive to wind turbine proposals include the small fields and woodlands which create an intimate pattern, high levels of peace and tranquillity and

- views across the landscape from higher ground. It is stated that medium size wind turbines may be appropriate but should, in addition to the other considerations listed, be located away from prominent rural skylines.
21. Further to the north still, the ground rises up steeply from the valley bottom to Madge Hill which is within LCA 10. Key characteristics of this landscape type include small scale upland landscape with gently rolling plateau summits, a sense of enclosure with dense hedgerows and hedgerow trees providing shelter and enclosure and a sense of tranquillity / remoteness with peaceful rural villages and a lack of modern development. In terms of LCA 10, the landscape attributes that are most sensitive include the small scale of the landscape and the strong sense of peace and tranquillity. It is stated that medium size turbines are not considered appropriate.
 22. The PSR-CCS goes on to assess the sensitivity of each landscape type to wind turbine development. With regard to medium scale turbine development, LCA 24 is assessed as being of moderate sensitivity; LCA 20 as being moderate to high sensitivity and LCA Area 10 as being of high sensitivity.
 23. The Landscape and Visual Impact Assessment (LVIA) submitted with the original application was prepared based on documents including the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA), published by the Landscape Institute (2013). The appellant's LVIA refers to the Council's PSR-CCS as a 'broad brush' approach given that, when considered against advice in the GLVIA, it is inappropriate to draw a conclusion on the acceptability (of proposals) without having knowledge of the scale of effects. The scale of effects being listed as the size, siting, design, colour and, other relevant factors prior to concluding the effect on the character type. The appellant's LVIA therefore gives little weight to the Council's PSR-CCS.
 24. I acknowledge that the Council's PSR-CCS was published in 2009 and therefore, being prior to the 2013 GLVIA it is reasonable to expect that the approach to undertaking LVIA's will have evolved over time. That, in itself should not be a reason for disregarding earlier documents. As to the scale of effects of proposals, in categorising wind turbine proposals the PSR-CCS has given some guidance on size. For example, with regard to LCA-24 the guidance states that large or medium scale turbines may be appropriate and that single or small clusters of small turbines are likely to be most appropriate.
 25. Guidance is also given within the PSR-CCS as to siting, for example stating that within LCA-24 turbines should be linked to brownfield land or other modern development. Applicants are also advised to utilise the screening effects of the areas trees and small woodland to integrate development into the landscape. Although no specific guidance is given as to design or colour of proposals, this is not unreasonable in that it should allow for greater flexibility for both applicants and the Council in determining the type of proposals most suited for particular locations and the circumstances of individual sites.
 26. For these reasons, notwithstanding the appellant's concerns, I have given weight to the guidance contained within the Council's PSR-CCS in my determination of this appeal, as previous Inspectors² have done also. Furthermore, as previously stated, the Council's general approach, in balancing

² APP/P1045/A/11/2159669 Decision date: 7 December 2011; APP/P1045/A/12/2181290 decision date: 25 February 2013

- the need for renewable energy schemes with landscape character and visual amenity impacts is, when read as whole, consistent with the Framework.
27. Access to the proposed location of the wind turbine would be via a series of fields on the opposite side of the lane to the farm buildings associated with Bradley Nook Farm. The appeal site itself slopes gently downwards from the A517 road in a northerly direction towards the valley of Henmore Brook. The valley is an attractive feature in the landscape which enhances the contrast and drama of the higher ground which rises to the north. The open views of the landscape, in combination with little visible evidence of other built development, establishes a strong sense of peace and tranquillity in the area. The medium sized field patterns of the area, in combination with the hedgerows and scattered hedgerow trees which define the field boundaries also lend an intimacy to the landscape character of the area.
 28. The proposed turbine would be situated in a field, with open views to the valley below. Along the valley bottom and the valley slopes, the proposed turbine would be in a prominent visual position. Whilst the higher ground along the ridge top is further away from the appeal site, it affords wide ranging views towards it. Even taking account of the hedgerows and hedgerow trees, at approximately 40m tall the proposed turbine would be significantly taller than other vertical features in the landscape.
 29. I accept that from some viewpoints to the north of the site, looking back across the valley to the appeal site, the lower part of the proposal would be seen against the slope of the valley side. However, in the majority of views, the height of the proposal would be located in a prominent, open position. Being at a higher level to the valley itself it would draw the eye. The movement of the blades would introduce a further element which would serve to emphasise the height and location of the proposal. The proposal would also not be situated in close proximity to existing development, nor would it be seen within the complex of existing farm buildings at Bradley Nook which are approximately 300m away.
 30. There is a network of public footpaths in the area, some being in more frequent use than others. Users of these routes are considered to be of high sensitivity along with local residents. There are also several country lanes which surround the site. These all provide multiple public viewpoints locations from which the proposed wind turbine would be seen.
 31. Whilst the existing vegetation and topography of the area may screen the proposal from some viewpoints, in the majority of instances the proposed turbine by reason of its height would not be effectively screened by the existing vegetation and topography of the area. For example, viewpoint 6 is taken from a public footpath which runs to the south of the A517. The majority of the turbine would be visible at this distance, it would breach the skyline and there are few other tall vertical structures in the landscape against which the proposal would be seen. There is also a caravan and camping club site close to this viewpoint and users of that site along with people traveling along the road network would have clear and uninterrupted views of the proposal.
 32. In the case of viewpoint 1, this is taken from a minor road off the A517. The majority of the proposed turbine structure would be visible from this public viewpoint. Whilst there are some telegraph poles in the foreground against which the proposal would be seen, as one moves further away from the

junction with the A517, the visual impact of the telegraph poles becomes less obvious. This can be seen from viewpoint 5 which is taken from a public footpath on higher ground accessed from further down the lane. From this viewpoint, the telegraph poles are not immediately visible and the backdrop of the landscape behind the proposal would only screen the lower part of the structure. Whilst the footpath may not be a main local route, users of that route are able to look out across the attractive Henmore Brook valley and the majority of the proposed turbine, including its rotating blades, would breach the skyline and would be highly visible.

33. The closest dwellings to the proposal would be to the south and situated approximately 250m away (Atlow Cottage, Nook Cottage and Bowles). Bradley Corner Cottages would be approximately 255m away from the proposal to the south. There are also several other dwellings which would be within 500m from the proposed development. No formal residential amenity impact assessment was submitted with the application. Although the appellant's LVIA takes the view that whilst individual properties will have sight of the proposal, it considers that this is mitigated by distance and the orientation of the properties in relation to the proposal. However, a separation distance of 250m would be quite close, taking account of the scale of the wind turbine proposed and the fact that habitable room windows would have a direct line of sight of the proposal. As such, I consider that the proposal would be likely to have an unacceptable effect on the living conditions of those residents living within 250m of the proposal with regard to potential overbearing effects.
34. Given the circumstances I have described, I consider that the scale of the turbine proposed would be such that it would be seen as a large, alien, defining feature in the landscape. The siting of the proposed turbine would be in an isolated location, and not seen within the context of other brownfield or other development close to the site. It would also be in a prominent visual position when seen from public viewpoints within other more sensitive LCAs. Even if the trees and hedgerows were to be managed so as to create additional screening, this would not effectively screen the proposal when seen from viewpoints in the area. As such, the proposal would be contrary to the Council's guidance as set out in the PSR-CCS.
35. In terms of cumulative impact, the DAS notes that there are no other turbines in the immediate vicinity. It concludes that turbines at Brook Farm and Overhouse Farm are a sufficient distance away such that the topography of the landscape and natural screening would result in them appearing as distinct, separate structures as one travels through the area. Based on the information before me, I see no reason to disagree with this assessment. At the site visit, I did observe a single turbine to the north of the appeal site on a hill. However, this appeared to be a domestic scale single turbine and therefore not unduly prominent in the landscape.
36. The Council have also referred to the turbines at Carsington Pastures wind turbine scheme. As one travels through the landscape those turbines are visible to the northeast of the appeal site. However, in my view they are of a sufficient distance away from the appeal proposal that people travelling through the area would not experience them in successive views through the landscape.

37. The appellant has drawn my attention to several other wind turbine schemes which have been constructed in landscapes which, in his view, are more sensitive to this type of development. In terms of the schemes in other planning authorities referred to, clearly these would have been determined against the relevant development plans concerned and the impact of those proposals on the specific landscapes within which they were situated. Of those schemes referred to within this Council area, little specific information has been provided as to the reasons why those schemes were permitted. It is therefore difficult for me to come to a view as to whether or not the circumstances may be sufficiently similar to this appeal proposal before me. Although I note that in the case of the Carsington scheme, this was allowed on appeal prior to the publication of the Council's PSR-CCS. I therefore attach limited weight to the other schemes referred to.
38. During pre-application discussions for this appeal proposal, I understand that the Council expressed a preference for the proposal to be located closer to the existing farm buildings. However, the appellant has stated that this was not possible to accommodate due to several reasons. However, whether or not an alternative location would be more suitable is not a matter relevant to my consideration of the proposal before me.
39. Accordingly, I conclude that the development proposed would be harmful to the landscape character and visual amenity of the area. The proposal would therefore conflict with policies SF4, SF5, NBE8, CS5 and CS6 of the Local Plan and the Council's PSR-CCS.

Other Matters

40. I note that several local residents have raised concerns regarding the highway safety implications of the proposal. However, the Highway Authority did not object to the proposal, subject to conditions and advice that an alternative access be used. Although the proposal would be located in a field visible from the bend in the A517 road, it would be situated some distance away and there is little specific information before me to suggest that the proposal would be so distracting to drivers that it would represent an additional hazard. Based on the information before me, I am therefore satisfied that the proposal would be acceptable in this regard.
41. In terms of shadow flicker, the information submitted with the appeal advises that this usually occurs within ten rotor diameters of a turbine. This appeal proposal would have a rotor diameter of 20m and there are no residential dwellings within 200m of the appeal site.

Sustainability Benefits and Overall Balance

42. The general thrust of local, national and international (including European) policy is supportive of renewable energy development. Although the proposal would be modest in scale, the Framework recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (paragraph 98). The proposal would also therefore have wider benefits in terms of its contribution towards meeting National and International renewable energy targets and the reduction of carbon emissions.
43. I understand that the appellant has demonstrated his commitment to the use of renewable energy through the installation of solar panels at the farm and

this proposal seeks to make use of the natural wind resources at his disposal. A survey has confirmed that the average wind speed of the location of the proposal is well above the average and comfortably within recommended guidelines for a wind turbine. In the location proposed, the predicted electricity generation would therefore be in excess of 150,000kWh per year. This would be enough to supply approximately 37 domestic properties and would save around 81 tonnes of Carbon Dioxide per year. These are significant environmental benefits which weigh in favour of the appeal proposal. Indeed, several letters of support have been submitted, from both private individuals and third party organisations including the Derbyshire Green Party.

44. The proposed turbine would generate electricity that would largely be used by the appellant and as such it would help to support and sustain the existing farm business that operates on the appeal site. The proposal would also represent a form of rural diversification for the existing farm enterprise. It would support employment and would benefit the local agricultural economy through the re-investment in machinery and equipment. These economic considerations also weigh in favour of the proposal.
45. In my determination of this appeal, I have had regard to the Framework's presumption in favour of sustainable development. However, the Framework does not adopt a narrow definition of sustainability. Although I have acknowledged the considerable environmental benefits and economic benefits of the proposal, I have also found that the proposal would be harmful to the landscape character and visual amenity of the area. These are very significant disadvantages which cannot be mitigated or made acceptable. Whilst the landscape within which the appeal site is situated may not be the subject of any formal designation, it is attractive nonetheless and one of the core planning principles of the Framework states, among other things, that planning should recognise the intrinsic character and beauty of the countryside. The development may only be in place for approximately 30 years but this is a long time in which there would be a significant adverse effect on the landscape.
46. Therefore, even taking account of the all the benefits associated with the proposal, I consider that they do not outweigh the harm that would occur to the landscape character and visual amenity of the area. Overall, the proposal would therefore conflict with policies SF4, SF5, NBE8, CS5 and CS6 of the Local Plan and the Council's PSR-CCS.
47. I have also had regard to the changes to policy arising from the Written Ministerial Statement (18 June 2015) which, in the light of the facts in this case, does not alter my conclusion.

Conclusion

48. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR

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Your Ref: 14/00844/FUL

Our Ref: APP/P1045/W/15/3035737

Ms Vicki Roper
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

20 August 2015

Dear Ms Vicki Roper,

Town and Country Planning Act 1990

Appeal by James Morrison

Site Address: Barn Adjacent to Jays Cottage, Green Lane, Norbury, Derbyshire,
DE6 2EL

I enclose for your information a copy of a letter received withdrawing the above appeal.

I confirm that we will take no further action on the appeal.

Yours sincerely,

Fran Littler

Fran Littler

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

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