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17 March 2014

To: All Councillors

As a Member or Substitute of the **Southern Area Planning Committee**, please treat this as your summons to attend a **Special** meeting on **Tuesday 25 March 2014 at 6.00 pm in the Ashbourne Sports and Community Centre.**

Yours sincerely

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

Sandra Lamb
Head of Democratic Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the Ashbourne Sports and Community Centre at **3.00pm** prompt. A schedule detailing the sites to be visited is attached to the agenda. **PLEASE NOTE: MEMBERS ARE ADVISED TO WEAR APPROPRIATE FOOTWEAR FOR THE SITE VISITS.**

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

11 March 2014.

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 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.

Page No.

4.1	Application No. 13/00839/FUL (Site Visit)	5 - 18
	Erection of 50KW wind turbine (24.8 metres to hub and 34.5 metres to blade tip) at Bradley Lodge, Hulland Ward.	
4.2	Application No. 13/00826/FUL (Site Visit)	19 - 50
	Erection of 50 dwellings and primary school with associated infrastructure and amenity spaces at land off Luke Lane, Brailsford.	
4.3	Application No. 13/00911/OUT (Site Visit)	51 - 71
	Residential development of up to 200 dwellings with public open space, highway improvements and landscaping (outline) at land off Old Derby Road, Ashbourne.	
5.	TREES PROGRESS REPORT – DDDC APPLICATIONS	72 - 73
	To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.	
6.	APPEALS PROGRESS REPORT	74
	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 Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Mrs Cate Hunt, Angus Jenkins, Andrew Lewer, Tony Millward (Chairman), Mike Ratcliffe, Lewis Rose, OBE, Andrew Shirley, Geoff Stevens MBE.

Substitutes: Councillors Mrs Sue Burfoot, David Burton, Bob Cartwright, Chris Furness, Neil Horton, Garry Purdy, Andrew Statham, Mrs Jacque Stevens, Mrs Carol Walker.

SITE VISITS

Members will leave the Ashbourne Sports and Community Centre at **3.00pm** prompt for the following site visits. **NB: MEMBERS ARE ADVISED TO WEAR APPROPRIATE FOOTWEAR FOR THE SITE VISITS.**

3.10pm Application No. 13/00839/FUL 5 - 18

Bradley Lodge, Hulland Ward

Requested by Ward Member to enable Members of the Planning Committee to assess the impact of the proposed development on the local landscape.

3.45pm Application No. 13/00826/FUL 19 - 50

Land off Luke Lane, Brailsford

Requested by officers to enable Members of the Planning Committee to assess the impact of the development on its surroundings and to fully appreciate the issues involved.

4.30pm Application No. 13/00911/OUT 51 - 71

Land Off Old Derby Road, Ashbourne

Requested by officers to enable Members of the Planning Committee to assess the impact of the development on its surroundings and to fully appreciate the issues involved.

5.20pm Return to Ashbourne Leisure Centre

COMMITTEE SITE MEETING PROCEDURE

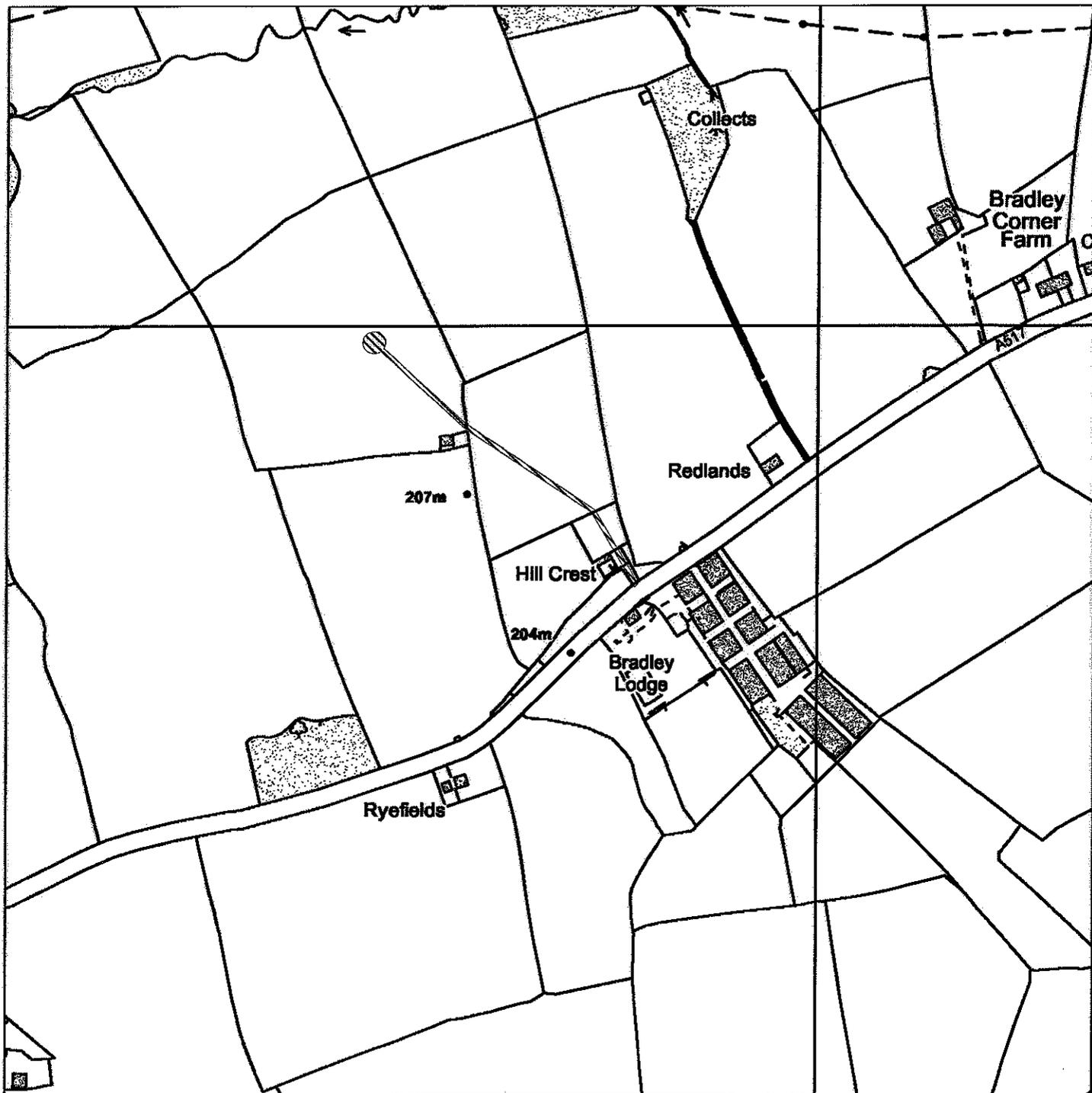
You have been invited to attend a site meeting of the Council's Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents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

13/00839/FUL

Bradley Lodge, Hulland Ward



Scale : 1:5000

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Matlock, Derbyshire DE4 3NN. Telephone: (01629) 761100.
Website: www.derbyshiredales.gov.uk

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	14 March 2014
Licence No.	100019785

13/00839/FUL ERECTION OF 50KW WIND TURBINE (24.8 METRES TO HUB AND 34.5 METRES TO BLADE TIP) AT BRADLEY LODGE, HULLAND WARD FOR MR TRAFFORD

Parish Council: Bradley
Application type: Full

Date of receipt: 02/12/13
Case Officer: Mr W Shaw

THE SITE AND SURROUNDINGS:

The application concerns a site within open countryside, part of a field which lies some 300m to the north of the A517, between Bradley Pastures and Bradley Nook. The site is reached via an existing vehicular field access on the opposite side of the highway to the applicants existing poultry farm. A short track runs past several outbuildings to a field enclosed by hedgerow. Close to the northwest corner of the field is a gate which leads to a larger field that drops away in a northerly direction. A barn stands in the southeast corner of the field and the proposed development would be some 100m down from this building, about 50m from the field's eastern side boundary. The field within which it is to be sited is enclosed by hedgerow, with occasional hedgerow trees along three sides; the fourth side of the field is enclosed by a livestock fence.

The proposed turbine is stated to be some 330m away from the nearest dwelling 'Redlands' on the A517 to the southeast. Due south, on the opposite side of the A517 is a further dwelling 'Ryefields' that is stated to be 340m from the proposed turbine. Apart from the applicants own house, other dwellings are some 600m or so further away from the proposed turbine. With regard to settlements the turbine would be some 800m northeast of Bradley, 1.8km to the west of Hulland and 4km to the east of Ashbourne. The nearest public right of way is stated to be Bradley Footpath No 8, which is approximately 330m to the south.

The site is located within the settled plateau farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. However, immediately to the north, over an extensive area is landscape characterised under the Wooded Slopes and Valleys landscape type of the Derbyshire Peak fringe and lower Derwent landscape character area.

The nearest designated ecological site, Hulland Moss, is some 2.4km to the southeast. The site is an example of lowland bog and heath, which has a number of species which are stated to be local, or rare, in lowland Derbyshire. The nearest heritage asset is the grade II listed 'Bradley Pastures', some 700m to the southwest; other assets are located further away in Bradley village, which amongst its 6 listed buildings, includes The Church of All Saints (grade II*) and Bradley Hall (grade II). Hulland village, 1.9km to the east, has a Conservation Area, 6 listed structures and a scheduled ancient monument.

THE APPLICATION:

Full planning permission is sought for the erection of a 50kw triple bladed wind turbine with a hub height of 24.8m and overall vertical blade tip height of 34.5m. As such, each blade will be just under 10m in length. The turbines tower will be of steel construction and have a matt white colour finish, a contrasting matt white colour finish will be used for the hub and blades and the associated electrical kiosk will be holly green.

The application is supported by technical details of the turbine, a Design and Access statement, a landscape and visual appraisal report, photo viewpoint documents, acoustic information and an Ecological appraisal.

The Design and Access statement advises that the proposed turbine would result in a carbon saving of approximately 91 tonnes per year which will drastically aid in reducing the farm businesses carbon footprint. The distance of the nearest non-related property from the turbine is such that its occupiers would not be significantly affected by noise emitted by the wind turbine. By sourcing renewable energy sources, the applicant will increase the farms competitiveness, within the market. In addition, the turbine would generate a sustainable income stream, which would therefore increase the farms economic sustainability. During the 25year life of the turbine the surrounding land would continue to be used for grazing and silage production.

The statement examines relevant planning policy advice and other material guidance and technical information. Aviation interests are stated to not be significantly impacted upon and the proposal does not affect any statutory designated site for nature conservation, no statutory designated sites are located within 5km. The field of improved grassland in which the wind turbine is proposed offers poor habitat potential for most bird species nor is the turbine within close proximity to major migration routes connecting sites of national and international ornithological interest. The potential for significant numbers of target bird species to pass over the single wind turbine at blade height is stated to be highly unlikely. Overall, impacts are expected to be low on ornithological interests with minor negative effects at worst case on individual common farmland passerines and waders.

No impacts are envisaged on protected species, trees along the field boundaries have been surveyed for their bat roosting potential, which in respect to the majority, is regarded as negligible. The land around the proposed turbine is considered to be poor foraging habitat, the turbine itself will be in excess of 50m from any habitat feature.

With regard to heritage assets the statement concludes that due to separating distance, land levels and intervening vegetation there should be no undue adverse impact on settings. In terms of landscape impact the assessment undertaken by the applicant's consultants identifies the landscape character of the application site, and comments that the area is considered to have low susceptibility to relatively small scale wind energy development due to its intrinsic characteristics. It states that within 1km of the site the proposed turbine would have a moderate landscape effect, although this reduces beyond approximately 1km as visibility becomes more varied. The turbine's size is modest and it would have a low to negligible magnitude of landscape change across the wider character area, leading to a negligible landscape effect overall at national scale. The surrounding undulating topography and relatively high level of tree cover will result in the turbine being seen in limited viewpoints (reference is made to the supporting photomontages). The assessment concludes that the key characteristics of this landscape character would not be significantly altered, with impact no greater than moderate, with minor or no effect more frequently assessed. Noise and shadow flicker are not regarded to be problems given the distance the proposed turbine would be from dwellings or offices. However, a condition, based on paragraph 25 of the ETSU-R-97 guidance, may be imposed to protect the residential amenity of occupiers of the closest dwellings. Impact on nearby telecommunication infrastructure has not been clarified because as yet no response has been provided by the owners to the applicant's agent.

The turbines relatively small scale should ensure that it blends into the surrounding landscape. It would be almost one-third of the size of the one proposed to the west at Bradley Pastures and those now operational at Carsington Pastures.

The statement considers access, from the turbines delivery port of Liverpool, via the motorway and other highway networks to the site itself via a laid down temporary track way. The range of vehicles associated with the delivery and construction of the turbine are referred to and the timescale involved, the vehicles mentioned are stated not to constitute abnormal loads.

In summary, the statement considers the principle of the proposed development to be acceptable. It would provide a valuable source of renewable energy offsetting the farms overall carbon emissions. It would be a farm diversification scheme providing a reliable income stream. These benefits outweigh any perceived negative impacts therefore planning permission should be granted.

RELEVANT HISTORY:

- 10/00821/FUL Erection of 2 no. poultry buildings and feed bins – Granted
- 01/07/0526 Agricultural Prior Notification - Erection of implements/hay storage building – Granted
- 0694/0371 Extension to Cattle Building – Granted
- 0391/0234 Vehicular Access – Granted
- 0286/0103 2 Broiler Houses - Granted

CONSULTATIONS:

Local Highway Authority:

The principle of the development is acceptable from a highway viewpoint. However, there are concerns with respect to the existing access point to the A517 which at present has restricted visibility sightlines in either direction, due to boundary hedges and their proximity to the carriageway edge. The access has a relatively low key agricultural use at present, but vehicle activity during the turbine's construction phase, including access track and associated works, will inevitably increase due to construction operations, deliveries and work operatives. In addition, the existing access point is likely to have restrictive geometry for the anticipated delivery of relatively large turbine components. The applicant does, however, appear to have control of a considerable roadside frontage to the A517 which could enable improvements to geometry and visibility to be undertaken.

The A517 has a 50mph speed limit with speeds observed as being consistently high. Ideally, minimum visibility splays of 2.4m x 149m should be available in each direction at the access with no obstructions over 1m high within the splays, relative to the nearside carriageway channel level. Existing visibility is significantly less than this, mainly due to the boundary hedges immediately either side of the access point. If these were partially removed or set back into the site this would improve visibility as well as the access geometry for larger vehicles. Access geometry should be assessed against the largest vehicle requiring access to the site and designed to deal with associated manoeuvres. Such improvements would assist continuing agricultural activities as well as future maintenance and decommissioning operations associated with the turbine.

The applicant should be requested to consider these improved access arrangements in order that further supporting details may be provided. However, if these improvements are not to be introduced to the proposals, the Highway Authority would wish to make further comments that may be included in any decision.

Parish Council:
No objections.

Derbyshire County Council Rights of Way:
No objections.

Peak and Northern Footpaths Society:
No objections.

The Ramblers:
No response.

Natural England:
The application site does not lie close to any designated sites, and Natural England do not wish to offer comments in this respect, neither has the application been assessed with regard to protected species. (Natural England refer to their Standing Advice as a material consideration in respect to impact on protected species).

The proposal lies approximately 4km from the Peak District National Park and the potential impacts upon this protected landscape in terms of landscape character or visual impacts are material considerations. The submitted Landscape and Visual Appraisal refer to impact upon both the National Park as well as the local landscape characteristics. It is suggested that impacts resulting from this proposal be considered in combination with those associated with the proposed larger turbine at Bradley Pastures, only a few hundred metres away, which Natural England have submitted similar comments in their consultation response. The National Park Authority's landscape specialist's views should be sought to confirm whether or not the turbine would impact significantly on the purposes of the National Park designation. They will also be able to advise if the development accords with the aims and policies set out i.e. the National Park Management Plan. With regard to the local landscape characteristics, we would expect that all proposals should complement and, where possible, enhance local distinctiveness. Proposals should be guided by the Local Planning Authority's landscape character assessment and the policies protecting landscape character in the Local Plan or Development Framework. Other possible impacts to assess are those on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species.

If the Local Planning Authority is aware, or becomes aware of a protected or Biodiversity Action Plan (BAP) species on the site appropriate survey information should be requested prior to the application being determined. Opportunities for biodiversity enhancements should be taken, in line with Paragraph 118 of the National Planning Policy Framework and biodiversity should be conserved in accordance with Section 40 of the Natural Environment and Rural Communities Act (2006).

Derbyshire Wildlife Trust:

Having considered the submitted Ecological Appraisal Report dated 25th November 2013, we advise that, given the scale of the proposed development, it is unlikely that the turbine will have any adverse impact upon any substantive bird interest. Furthermore, the proposed siting of the turbine satisfies Natural England Guidance (TIN051) and, as such, there is unlikely to be any significant adverse impact upon the local bat population (a condition is recommended that seeks to ensure that breeding birds are protected from harm during construction).

Defence Infrastructure Organisation (Ministry of Defence):

No objection. The MOD's principal safeguarding concern relates to the turbines potential to create a physical obstruction to air traffic movements and cause interference to air traffic control and air defence radar installations. (If permission is granted, details of construction start and end dates, maximum height of construction equipment and precise location of any turbine is requested.)

Civil Aviation Authority:

Provide general advice rather than any comments specifically relating to the proposed turbine.

NATS (National Air Traffic Services):

Refer to technical and operational considerations. Responses received inform that a technical impact is anticipated, but this has been deemed to be acceptable.

REPRESENTATIONS:

Two letters have been received from occupiers of properties in Bradley and Hulland Village who object to the proposed wind turbine. Their concerns may be summarised as follows:-

- (i) The site of the proposed turbine in unspoilt countryside is completely unacceptable, being only 400m from the proposed turbine at Bradley Pastures.
- (ii) Both turbines would completely dominate the area from Bradley to Yewtrees junction with the A517. If all currently built turbines and those applied for were developed, our view would be of ten turbines which would be unacceptable and should not allowed to happen.
- (iii) The proposed turbine is wholly inappropriate to the surrounding landscape, with its character of small scale pattern of fields and hedgerows, areas of woodland and individual residences. This turbine would be in clear view from our property which would spoil an area of gentle Derbyshire countryside.
- (iv) The A517 is not an easy road for drivers at any time, particularly when heading towards Ashbourne directly into the setting sun. Distraction by the turbine and blade flicker would create a real and additional hazard to all road users.
- (v) The site is directly on a daily (not just seasonal) migration route for large skeins of geese and other birds, which fly low when visibility is poor and would, therefore, be placed at extreme risk by the turbine blades.

- (vi) The Council correctly refused an application for a similar size of turbine at nearby Bradley Nook Farm, as being inappropriate to its surroundings. Exactly the same logic and conclusion should apply to this current application.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development In The Countryside
 - SF5: Design And Appearance of Development
 - NBE4: Protecting Features Or Areas Of Importance To Wild Flora And Fauna
 - NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
 - NBE8: Landscape Character
 - TR1: Access Requirements And The Impact Of New Development
 - CS5: Renewable Energy Installations
 - CS6: Wind Turbine Generator Development
2. Derbyshire Dales Local Plan Pre Submission Draft (June 2013)
 - Development Management Policy 2 – Development in the Countryside
 - Strategic Policy 3 – Protecting and Enhancing the Natural and Historic Environment
 - Development Management Policy 6 – Landscape Character:
 - Development Management Policy 7 – Biodiversity and Geological Interests
 - Development Management Policy 9 – Design and Appearance of Development
 - Strategic Policy 9 – Climate Change
 - Development Management Policy 22 – Access and Parking
3. National Planning Policy Framework (2012)
4. Other
 - (i) Peak Sub-Region Climate Change Study : Focussing on the capacity and potential for renewable and low carbon technologies incorporating a landscape sensitivity study of the area (July 2009).
 - (ii) Landscape Character of the Derbyshire Dales and Companion Guidance on Landscape Character and Design – Supplementary Guidance to Local Plan.

ISSUES:

1. Before assessing the merits of the application proposal it is first important to identify the current policy context for assessment. The National Planning Policy Framework (NPPF) was published in March 2012. This document supersedes the vast majority of previous national guidance including Planning Policy Statement 22: Renewable Energy. There is guidance in the NPPF in Chapter 10 and more specifically in sections 97 and 98. This policy statement is an important material consideration.

The relevant policies of the Adopted Derbyshire Dales Local Plan (2005) include policies SF4, NBE5, NBE8, CS5 and CS6.

Adopted Local Plan Policy SF4 deals with development in the countryside and is supportive of proposals that are required to serve the essential requirements of agriculture, forestry and outdoor sport or recreation. This is on the basis that the proposals are appropriate in nature and scale to a rural area; they preserve or

enhance the character and appearance of the countryside and minimise any adverse impact on the local environment.

Policy NBE5 deals with Development Affecting Species Protected by Law or are Nationally Rare.

Policy NBE8 of the Council's Local Plan seeks to protect the character and attractiveness of the landscape.

Policy CS6 deals specifically with wind turbines. This has a presumption in favour of wind turbines if it can be demonstrated that they do not have an unacceptable adverse impact upon the immediate or wider landscape, the proposed development would not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses and safe access can be achieved. Policy CS5 concerns renewable energy projects in general and largely repeats Policy CS6.

The Local Plan is supported by supplementary guidance on landscape character and of particular relevance as an important material consideration is the Peak Sub-Region Climate Change Study which analyses the potential of the landscape of the district to accommodate renewable energy installations.

The Derbyshire Dales Local Plan Pre-Submission Draft (June 2013) although at a relatively early stage of preparation, reflects the guidance within the NPPF, as it is required to do. Strategic Policy 9 – Climate Change advises that 'In addressing the move to a low carbon future for the Derbyshire Dales, the District Council will support the provision of renewable and low-carbon technologies, including both standalone installations, and micro-renewables integrated within new or existing development'. That said, the relevant 'Development Management Policies' of the emerging plan will still need to be considered in tandem with the strategic policies on a case by case basis. DMP2 deals with development in the countryside, which must preserve or enhance its character and appearance. DMP6 echoes this requirement and where development is supported its justification must outweigh any adverse impact. It is also the case that Strategic Policy 3 – Protecting and Enhancing the Natural and Historic Environment requires development to be sympathetic to the distinctive landscape character areas of the Local Plan area.

The wider environmental benefits of renewable energy projects have been identified as a material consideration in the assessment of planning applications. However, the weight to be given to them is in the hands of the decision maker. The fact that a scheme is providing a very modest contribution to energy targets is not something that should count against it, nor is a significant contribution a reason to set aside reasoned assessment against the policies of the development plan and other material considerations, in reaching a balanced judgement.

From this assessment of the Development Plan and other material considerations, comments of consultees and the applicants own submission a number of key issues arise around which the merits of the scheme are logically discussed.

These issues are as follows: -

- i. Visual / Landscape Impact
- ii. The noise impact on nearby residents

- iii. The potential effect on nature conservation and fauna and adequacy of survey work
- iv. Impact on the setting of heritage assets, and
- v. Highway impact issues

2. (i) Visual / Landscape Impact

For impact of the proposed development on landscape character and appearance to be appropriately assessed, it is important that the characteristics of the landscape and its sensitivity to the proposed development are fully understood. The proposed turbine will be in a fairly isolated located remote from the applicant's main group of farm buildings. The character of the landscape with the potential to be affected by the development is complex. The site lies with the settled plateau farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area, with the area to the south of the site being typical of this type in the following respects:-

- Gently rolling upland plateau extending onto ridgetops.
- Pastoral farming with some cropping.
- Densely scattered boundary trees and occasional small woodland blocks.
- Small to medium sized fields surrounded by hedgerows.

Immediately to the north, across an extensive area overlooked by and overlooking the site, the landscape is characterised under the wooded slopes and valleys landscape type of the Derbyshire Peak fringe and Lower Derwent Landscape Character Area. This areas key characteristics include:-

- Upland, undulating ground rising up to moorland
- Slopes are moderate to steep, and steepen along stream valleys
- Permanent pasture for sheep and dairy cattle
- Widespread bracken and localised gorse, found particularly on the thinner soils of steeper slopes
- Densely scattered small to medium ancient woodlands and some secondary woodland, mostly on steeper slopes and along streams
- Densely scattered hedgerow trees
- Irregular field pattern bounded by mixed species hedgerows
- Network of winding lanes, often sunken on steeper slopes with rocky banks
- Dispersed sandstone farmsteads with stone slate roofs with localised clusters

The site is within a large field that falls away in a northerly direction into the valley of the Henmore Brook, a most attractive feature located between Carsington Water and Ashbourne. The Brook is part of the River Meadows landscape type of the Derbyshire Peak fringe and Lower Derwent landscape character area of which is quite typical though, being well up stream, it is more constricted and enclosed in nature. As well as the Henmore, there are a number of other watercourses, namely Kniveton Brook, Dayfield Brook and Parkside Brook that are distinctive features that contribute to the landscape character.

The northern side of the Valley rises sharply within a landscape characterised by high spurs and ridges, cut through by minor water courses. 'Tomlinson Carr', a belt of ancient semi-natural woodland is located close by to the north east of the site. The Carr is designated as a local wildlife site, as is 'The Rough', a site comprising woodland scrub, associated with the Henmore Brook, located a little further to the north.

The local landscape contains a dense network of public footpaths both within the application site valley and to the south of the A517 where the applicant's main farm buildings are located. The nearest footpaths to the application site are along a ridge line to the north, between the site and Corley Lane to the west and to the east between the site and Bradley Corner Farm. The footpaths along higher ground enjoy open panoramic views. A dense network of public pathway are located on the south side of the A517, around Bradley Village in particular.

The submitted Landscape and Visual Impact Assessment (LVIA) is in accordance with latest best practice. The guidance used by the Council to assess landscape and visual impact of wind turbines is contained within "Landscape Sensitivity for Renewables in the Peak Sub Region" (Land Use Consultants – 2009). The document identifies all turbines between 15m in height, to blade tip and 65m as being of medium size for the purposes of assessment. In this particular case, the proposed turbines greatest impact is likely to be on the landscape character areas closest to it. The sensitivity of the landscape type 'Settled Plateau Farmlands of the Needwood and South Derbyshire Claylands' is identified as 'moderate'. The sensitivity of the Wooded Slopes and Valleys landscape type of the Derbyshire Peak fringe and Lower Derwent Landscape Character area, (to the north) is identified as moderate to high sensitivity. From higher ground further north, where the site may be overlooked this landscape is assessed as being of high sensitivity.

Each area of landscape type has guidance on how turbine developments may affect landscape attributes and how they may best be accommodated. With regard to the Settled Plateau Farmlands of the Needwood and South Derbyshire Claylands, a landscape attribute that is particularly sensitive is the open views both to and from the lower ground, from the ridgetops. Medium sized turbines may be acceptable where they are usually linked to brownfield land, or other modern development (such as the applicant's main group of farm buildings). Cumulative impact with other existing turbines needs consideration, as does siting that uses the screening benefits of areas of existing trees and small woodlands to better integrate turbines.

With regard to the landscape character that includes the Wooded Slopes and Valleys to the north, the most sensitive landscape attributes are:-

- The small fields and woodlands which create an intimate pattern
- High levels of peace and tranquillity
- Views across the landscape from higher ground
- The presence of ancient semi-natural woodlands and other habitats

Medium size wind turbines may be appropriate but should, in addition to the above provisos, be located away from prominent rural skylines.

For the higher ground landscape character further to the north the landscape attributes that are most sensitive are:-

- The small scale of the landscape
- A strong sense of peace and tranquillity

Medium size turbines are not considered appropriate.

The submitted LVIA acknowledges the impact of the proposed turbine on the landscape and visual amenity in the main would be during its period of operation (i.e. 25 years) as a new feature in the landscape the turbine would result in a moderate adverse impact over an area within about 1km, and a negligible adverse impact beyond a distance of 2kms. This level of adverse impact is not considered to be significant. With regard to impact on visual amenity impact on residential properties is considered to be moderate, for dwellings closest to the turbine including those on the northern edge of Bradley. This then reduces to negligible adverse impact at Ashbourne. The study considers that minor adverse impact will occur to users of the A517, falling to minor / negligible adverse for users of other roads. With regard to the public rights of way network moderate adverse impact is considered for users with unrestricted open views from the north whereas footpath users to the north west and south west would experience minor adverse impact. This level of adverse impact is not considered significant. The LVIA consultants provide a series of photomontages to support their assessment and conclude that the turbine could be accommodated without unacceptable landscape or visual impact.

Having considered the supporting LVIA a number of concerns arise. The turbine proposed is classed as medium size and the landscape in which it will stand is assessed as having moderate sensitivity to such development, although with some potential to accommodate a turbine of this nature. However, this proposed site is not considered the most appropriate to accommodate the turbine. It would be on the edge of landscapes of higher sensitivity, particularly due to the wide ranging views afforded from the high ground, and the sense of peace and tranquillity. It would be sited in open countryside considerably away from existing developments, in particular the applicant's main farm buildings. It will be at 34.5m to blade tip, a tall structure out of scale with other vertical landscape elements such as trees and hedgerow, close by. Any prospect of it being appropriately assimilated into the landscape is, therefore, unlikely. As such, it would appear as an alien structure in isolation in the landscape and be contrary to the guidance in the 'Landscape Sensitivity for Renewables in the Peak Sub Region'.

With regard to visual amenity, the proposed turbine will impact on views from various locations, across higher ground to the north. Whilst, in some of these, there will be a backdrop of the slope on the southern side of the Henmore Valley, the alien nature of the structure and movement of the blades, will draw the eye. As a consequence, the proposed turbine will have disproportionate prominence within the Valley. As may be seen from some of the submitted photomontages the turbine would be viewed prominently against the skyline, as it would from residential properties at Bradley Pastures (albeit at some distance), and from the A517. A higher level of adverse impact on visual amenity is considered likely than that identified in the LVIA.

Finally, with regard to landscape impact, there are two locations nearby which are subject to turbine applications although one proposed at Bradley Pastures has recently been refused planning permission. The applicant may appeal that decision. Another application concerns Bradley Nook, which is still under consideration. Any 'cumulative' impact cannot be readily appreciated at this juncture. Nonetheless, should one or more of the turbines be allowed, greater harm is likely to result on the local landscape character types of this visually attractive and unspoilt area open countryside in the Derbyshire Dales. The comments of Natural England in respect to impact on the Peak District National Park are noted, but given the proposed turbine would be some 4km away, and the intervening terrain any impact is considered to be negligible.

(ii) Noise Impact

With regard to noise impact the following comments are considered to be pertinent. The supporting report on the proposed turbines acoustic performance refers to a test dated 6th April 2011 carried out at a farm in Devon, with a turbine hub height at 25m and a rotor diameter of 19.2m. This turbine is similar to the one that is being proposed. The nearest unrelated property is some 330m away to the south east. At this distance it is considered that the residential amenities of residents of the nearest dwelling will not be unduly affected by noise or shadow flicker, associated with the operation of the proposed wind turbine. Notwithstanding this, noise from the turbine could be controlled by a 'simplified' condition as referred to at paragraph 25 of the ETSU-R-97 guidance 'The Assessment and Rating of Noise from Wind Farms' (1996). That said, permission has previously been granted for turbines closer than the one proposed to dwellings where noise impact was not shown to be a potential adverse impact on residential amenity.

(iii) Impact on Nature Conservation

With regard to the responses from Natural England and Derbyshire Wildlife Trust there are no specific concerns in respect to impact on flora or protected species. It is not clear with a development of this nature what biodiversity enhancements can be gained. The field within which the turbine would be located will still be used for agricultural purposes along the lines of its current use. The submitted ecological appraisal report is considered to have adequately dealt with relevant considerations, in particular with regard to bats and birds.

(iv) Impact on Heritage Assets

As previously stated; the nearest heritage designations are the Grade II Listed 'Bradley Pastures', those located within Bradley Village and those at Hulland. All of these are 700m or significantly further away from the site of the proposed turbine. As such, the turbine would have no direct impact upon the setting of any particular heritage asset, particularly given the intervening land form, buildings and scattered groups of trees which form effective screening for the proposed development relative to these assets. The separating distances means that there will be no visual relationship between any of the heritage assets and the proposed turbine.

It is, therefore, considered that the information in the supporting Design and Access Statement, which examines the proposed turbines relationship to the nearest heritage assets, is accurate and raises no particular concerns in respect to each ones setting.

(v) Highway Access Issues

The Local Highway Authority confirm that the principle of the proposed development is acceptable from a highway viewpoint. However, they express concern about the nature of the proposed access, given its existing relatively low-key agricultural use. The access is likely to have restrictive geometry for the anticipated construction traffic, in particular the delivery of relatively large components of the proposed turbine. Hence, they suggest that the access is improved to a standard that will be able to accommodate the largest delivery vehicles manoeuvres into and out of the access. As the existing hedgerow either side of the proposed access would be affected by the requested improvements (partially removed or set back) there is concern about the visual impact of such works, particularly as the construction phase of the proposed development would only be for a limited period. The existing hedgerow on either side of the agricultural access forms an attractive field boundary to the A517, with a grassed highway verge adding to its character. Whilst it is a fact that traffic along the A517 is fast moving, the existing access is fairly central along a straight stretch of the classified highway affording users a reasonable opportunity to see approaching traffic and be seen by such traffic. Hence, it is considered more appropriate to make temporary traffic management provisions for the construction period, rather than have an access of a size and character that appears out of scale to the surrounding farmland. This has been discussed with the Local Highway Authority who are to forward further comments for inclusion in the decision on this application (these will be reported at the Committee meeting).

3. Conclusion

In conclusion, the need for a development of this nature does not have to be verified as the promotion of renewable energy infrastructure is in line with Government policy. Indeed Paragraph 98 of the National Planning Policy Framework advises that Local Planning Authorities should not require applicants for energy development to demonstrate the overall need for low carbon energy and also recognise that even small scale projects provide a valuable contribution in cutting greenhouse gas emissions. However, this comes with a caveat that any impacts are (or can be made) acceptable.

In this particular case, the proposed wind turbine would appear as a tall, incongruous structure in an isolated location, away from the applicants main farm buildings. Adopted Local Plan Policy CS6 advises that planning for wind turbine development will only be granted where 'it can be demonstrated that the proposed development does not have an unacceptable adverse impact upon the immediate and wider landscape'. It also requires in tandem with this that 'safe and satisfactory access for construction and maintenance traffic can be provided without permanent damage to the immediate and wider environment'. Whilst the latter issue may be avoided subject to traffic management measures

being utilised at the construction phase, the impact of the turbine on the immediate and wider landscape is not considered to be acceptable. Accordingly, whilst the energy benefits of the proposed development are acknowledged, the site and nature of the proposed turbine would result in significant adverse impact on landscape character and visual amenity. Therefore, a recommendation of refusal is, on the balance of consideration, appropriate.

OFFICER RECOMMENDATION:

Planning permission be refused.

1. The proposed wind turbine by reason of its height and prominent open position would be a visually intrusive and pervasive addition to the countryside in a complex and sensitive landscape incapable of visually absorbing it such that significant harm would result to the character and appearance of the landscape. As such, the proposal is contrary to the aims of Policies SF4, SF5, NBE8, CS5 and CS6 of the Adopted Derbyshire Dales Local Plan (2005), Policies DMP2, DMP6 and SP3 of the emerging Derbyshire Dales Plan Pre Submission Draft (June 2013), guidance within the National Planning Policy Framework (2012), Planning Practice Guidance for Renewable and Low Carbon Energy (2013) and the Council's Landscape Sensitivity Assessment in the Peak District Sub Region (2009).

Footnotes:

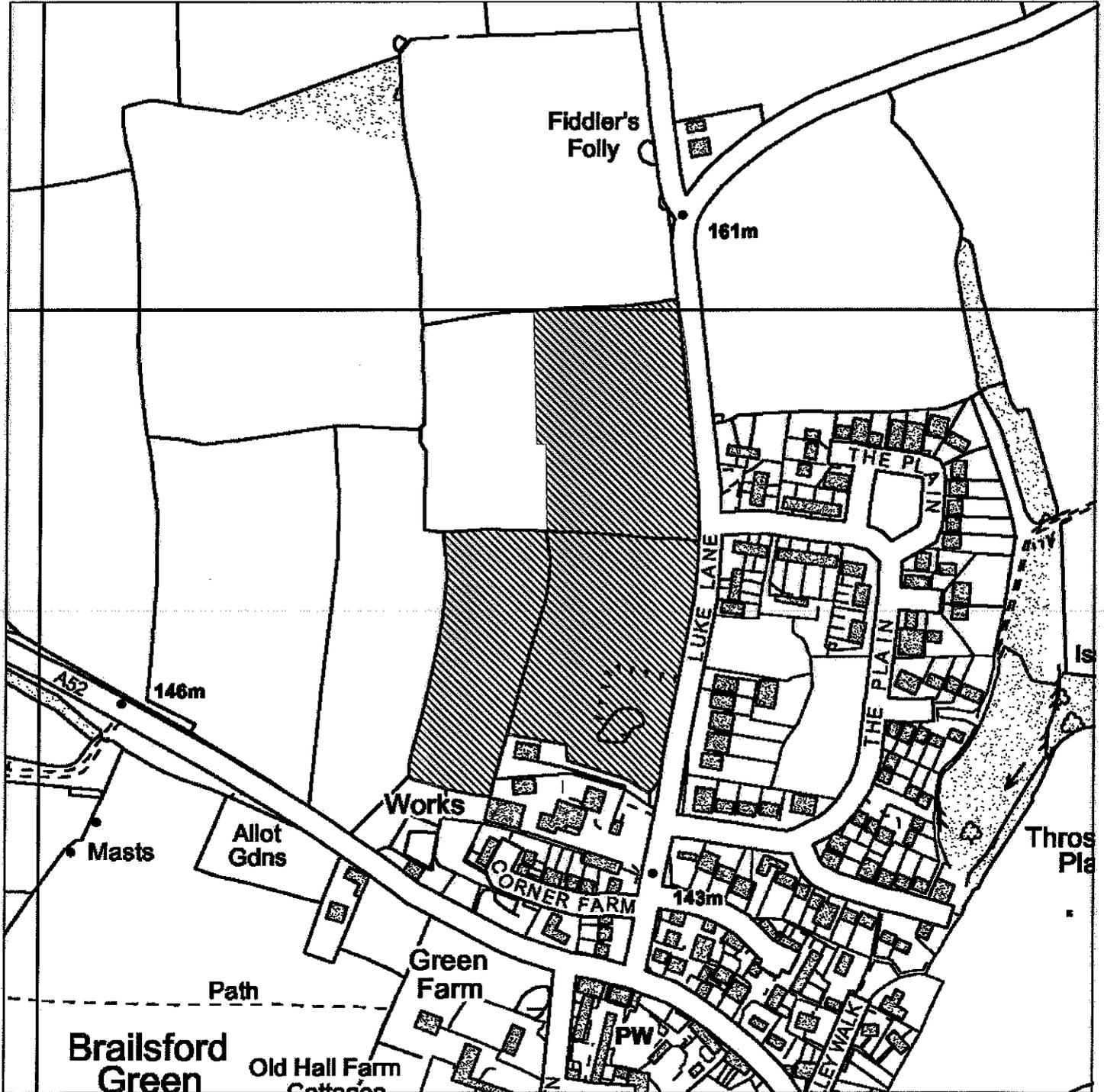
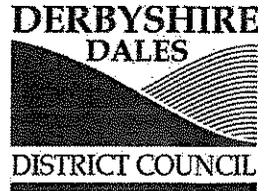
1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served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

This decision notice relates to the following documents:

- Design and Access Statement by Hallmark Power Limited
- Landscape and Visual Impact Assessment by fpcr dated November 2013 including photomontages
- Ecological Appraisal by Avian Ecology Limited dated 25th November 2013
- Endurance E-3120 Wind Turbine Acoustic Performance Test Report by Hayes McKenzie Partnership dated 6th April 2011
- 1:2500 Scale Site Location Plan
- 1:500 Scale Block Plan
- 1:250 Scale Wind Turbine Elevation
- Turbine Scale Comparison Plan

13/00826/FUL

Land Off Luke Lane, Brailsford



Scale : 1:4000

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	14 March 2014
Licence No.	100019785

13/00826/FUL ERECTION OF 50 DWELLINGS AND PRIMARY SCHOOL WITH ASSOCIATED INFRASTRUCTURE AND AMENITY SPACES AT LAND OFF LUKE LANE, BRAILSFORD FOR MILLER HOMES LTD.

Parish Council: Brailsford
Application type: Full

Date of receipt: 26.11.13
Case Officer: Mr. G. Griffiths

THE SITE AND SURROUNDINGS:

The site is in open countryside on the north western side of Brailsford to the west of Luke Lane. It comprises a number of agricultural fields bounded by hedgerows. The hedgerows provide a substantial degree of screening of all views into the site, although they are in various states of repair. The hedges, hedgerow trees and a pond, which occupies an area within the south eastern corner of the site, provide valuable local habitat for birds, badgers, bats, newts and a wide range of invertebrates. Also in this area, an overhead, high voltage electricity cable is routed across the site.

THE APPLICATION:

Full planning permission is sought for 50 dwellinghouses and a replacement primary school for the village and associated infrastructure and landscaping. It is proposed to develop the southern and central parts of the site for housing with a new primary school to the north.

In terms of the residential development, the applicant proposes a range of eight dwelling types amongst the following sizes:

- two 2 bedroomed houses
- eight 3 bedroomed houses
- twenty one 4 bedroomed houses
- nineteen 5 bedroomed houses

Each dwellinghouse would have its own garden amenity space and the large majority would also have a single or double garage. Seven of the houses (14%) are proposed to be affordable houses operated by a Registered Social Landlord.

In terms of materials, the applicant proposes the Hanson Clumber red brick, with variety added through the use of an Ibstock Hardwicke Autumn Antique brick. Keynote buildings are also proposed to contain a degree of render. It is proposed to use Russell Grampian Slate Grey tiles as the applicant considers these to be a reflection of grey tiled roofs in the village. In terms of detailing, there would be a corbelling and a range of brick soldier heads and cills and reconstituted stone cills. There are also proposals for front door canopies on the smaller and more flat fronted dwellinghouses and porches on some of the larger dwellinghouses.

With regard to the school, this is proposed to be single storey and provide for 4 primary school classrooms plus supporting learning areas (I.T. facilities, library and hall plus support, staff and ancillary spaces. The grounds of the school would incorporate parking and drop off parking areas and external play areas and games areas which include a football pitch and Multi-User Games Area (MUGA). The building is proposed to be constructed with a red brick and render with recessed glazing details. The building comprises blocks of pitched roofed buildings principally

housing the classrooms interlinked with a central flat roofed element between them housing much of the administration area.

Further supporting documents are provided with the application which include the following:

- Planning Statement.
- Design and Access Statements.
- Supporting Planning Statement.
- House Type Pack.
- Drawings of Proposed School.
- Consultation Statement.
- Flood Risk Assessment and Drainage Strategy.
- Arboricultural Assessment.
- Phase 1 Desk Study Site Investigation Report.
- Protected Species and Breeding Bird Survey.
- Transport Assessment.
- Topographical Survey.
- Geophysical Survey Report.

The above elements of the applicant's submission are not set out in detail but have been forwarded to the relevant consultees for full consideration with copies kept on the public file for the public to assess. The applicant's case is assessed in the Issues section of this report in the context of comments made by Statutory Consultees and the representations received.

RELEVANT HISTORY:

- | | |
|-----------|--|
| 1192/0865 | Residential development – eight starter homes (outline) – Refused. |
| 0192/0041 | Residential development - erection of starter homes and housing for the elderly (outline) – Refused. |
| 1191/0869 | Residential development - erection of 12 dwellings with 6 bungalows for the elderly – Refused. |

CONSULTATIONS:

Parish Council – Object:

- greenfield site outside current development boundary.
- Parish survey shows majority of residents wish to see current boundary maintained.
- no proven need for such a large development (c.20% growth of immediate village).
- there exists a number of houses for sale, some for over a year.
- District Council has clarified that the requirement for housing in Brailsford to meet current target is less than 10.
- application predicated by case that private funding is needed for the new school – current school rated outstanding by Ofsted and not identified with the LEA or the Dept. of Education that it is in need of urgent replacement.
- need for school does not outweigh other infrastructure issues which affect the village - undue sway of LEA on DDDC over normal planning considerations.
- have not taken full and balanced view of the needs of the whole population.

- at last Public Inquiry District Council recognised deficiencies in the school but these were not sufficient to outweigh policy objections against greenfield site development – believe the philosophical principle set out by the Inspector remains.
- development not sustainable as residents will commute adding to traffic burden.
- have experienced a number of major accidents, including fatalities, in the village and on A52 leading to it.
- application does not set out mitigation measures to reduce potential impact of circa 100 additional cars accessing A52.
- will be further burden on A52 if 400+ dwellinghouses are built in Ashbourne and other developments between Ashbourne and Derby – no evidence that this issue has been given any consideration.
- existing infrastructure and utilities are limited.
- GP surgery oversubscribed.
- drainage, flooding and water supply problems.
- developer has advised of inadequate funds available for normal infrastructure development as all community infrastructure levy will be directed at the school benefitting a few at the detriment to the rest of the village.
- developer has advised will be built to minimum standard required by building regulations and will not encompass expected higher standards of sustainable construction promoted by DDDC in its Development Plan.

Local Highway Authority – No objection – Comment on the following matters:

- visibility splays
- internal street layouts
- footpaths and pedestrian linkages
- increase width of pedestrian margins where possible
- vehicle swept path analysis regarding refuse, service or delivery vehicles
- vehicle speed assessment work and review and relocation of 30mph speed limit
- road markings
- Traffic Regulation Orders to restrict roadside parking in the vicinity of the school
- implementation of a 'School Safety Zone' – signage, lining, calming measures (if required), improved lighting, pedestrian access and pedestrian crossing facilities, etc
- improvements to lay-by to accommodate drop off/pick up by parents with meaningful linking of pedestrian facilities into the new school site
- developer needs to consider a more comprehensive package of works in the vicinity of the school to ensure it is safe for future users, especially considering the pupil age range the new school will accommodate
- raise concern that no cycle parking appears to be included for the school – require a condition that such facilities are provided
- no travel plan has been submitted for the school, although the Transport Assessment makes reference to one being provided - wish to be involved in this process in order to ensure the aspirations of the travel plan and development as a whole accords with the assumptions made within the Transport Assessment
- have no evidence to demonstrate that the harm caused by the extra traffic would be so severe as to require intervention (either by mitigation or rejection of the proposals)
- Transportation Assessment concludes that there is sufficient capacity within the network to tolerate the addition of the development related traffic and is borne out by the Local Highway Authority's own data.

Environment Agency – No objection – Comment:

- development will only meet the requirements of the National Planning Policy Framework if measures detailed in the Flood Risk Assessment & Drainage Strategy are implemented and secured by way of a planning condition on any planning permission.
- conditions required with regard to development being carried out in accordance with the submitted Flood Risk Assessment (FRA) and Drainage Strategy for Miller Homes and requirement for soakaways, highways drainage to be approved by the Local Highway Authority and the design of the surface water drainage system based on infiltration drainage measures.

DDDC Head of Housing – Comment:

- had discussion with the applicant about the transfer percentage of affordable housing.
- talked with Derwent Living and happy with the figures put forward.
- Derwent Living are one of DDDC partner providers and have a close management network in the Derby area.
- have no reason to doubt the figures put forward.

Development Control Archaeologist – No objection – Comment

- local planning authority should be satisfied that applicant has provided sufficient information to understand impacts on landscape and historic landscape.
- feel archaeological interest should be addressed through a conditioned scheme of work in line with paragraph 141 of the NPPF and therefore require conditions with respect to a Written Scheme of Investigation.

DCC Crime Prevention Design Advisor – Comment

- application details do not fully satisfy requirements to design out crime.
- suggestions are provided as to how this could be improved such as overlooking of car parking areas, access route to the MUGA.
- appears to be no consolidation of proposals with DCC's risk management regarding security at the school.

DCC Environmental Services (Strategic Director) – No objection – Comment:

- site is small so may be viability issues regarding mineral resource and, as such, no further information is required in this respect.

Natural England – No objection - Comment:

- unlikely to affect any statutory protected sites or landscapes.
- Local Planning Authority should ensure it has sufficient information to fully understand the impact on the local site before determining the application
- standing advice with regard to protected species.
- may be opportunities for biodiversity and landscape enhancements.

Derbyshire Wildlife Trust – Comment:

- require condition with regard to the protection of great crested newts.
- a badger sett is identified on the site - will need an updated badger survey to determine the level of badger activity on the site in order to determine the need for a badger licence to close the sett.
- not aware of any other nature conservation interest on or adjacent to the site.

REPRESENTATIONS:

A total of 20 letters of representation from neighbours, local residents and interested parties. The comments can be summarised as follows:

Policy

- Local Plan review 2005 recommended Brailsford be deleted as a key settlement as essentially it is a commuter settlement and not a sufficiently sustainable location for housing allocation in accordance with national, regional and local policy guidance.
- Draft Local Plan has not been subject to public examination.
- Housing Strategy based on Sub-Region Housing Strategy published in 2008.
- Strategic Housing Market Assessment (SHMA) has not been made available to elected Council members or to the public.
- Council may need to undertake a fresh Strategic Housing Land Availability Assessment (SHLAA) or revise the existing published in 2012.
- through the public consultation process local residents have advised they do not support the development.
- Council's Annual Monitoring Report (AMR) states that the Council can meet its five year housing supply without the development in Brailsford.
- substantial departure from the saved policies of the Local Plan (2005).
- application is premature.
- not a Priority Site until review is completed.
- residents were unable to make informed judgement on the Preferred Option Local Plan.
- assessment of alternative sites considered flawed when compared to scoring on land to east of Brailsford off Throstle Nest Way – this site would provide 50 open market house, 15 affordable houses, 10 starter homes, a school and pedestrian routes to rights of way.
- outside of development boundary.
- do not want village to become a town.
- should not lose sight of the importance and altruistic nature of smaller communities.

Sustainability

- no employment in the village.
- marked reduction in employment potential in the area.
- development of best and most versatile agricultural land should not be permitted without assessing previously adopted sites and land within the boundaries of urban area.
- increasing population and should retain valuable agricultural land.
- should concentrate development in towns of Matlock, Ashbourne and Wirksworth.

Dwellinghouses

- will increase settlement size by 20%.
- since 2005, 46 homes have been built in Brailsford.
- allows for no affordable housing – government policy states at least 40% should be of this type for developments of this size.

Proposed School

- replacement school is responsibility of LEA and could be done through compulsory purchase powers.
- will only be able to take extra 8 pupils and will not be big enough to accommodate children from another 50 dwellings.
- school will be already too small by the time it is built.
- would not include all the requirements requested by the Head Teacher.
- would be of poorer construction standard.
- advised that developer will only build the school once the dwellinghouses have been completed – there is always a threat that the school would not get built if developer goes into liquidation.
- question life expectancy of new school.

Existing School

- currently in top 100 in OFSTED report.
- understand not on LEA list for replacement.
- structural integrity of school building is sound.
- plenty of room to update and extend existing school.
- deficiencies in school are not sufficient to outweigh use of greenfield site.
- understand Brailsford school is not a high priority for DCC as it has maintenance priorities elsewhere.
- LEA had no plans for a new school until developers made offer.

Existing Facilities/Infrastructure

- no capacity within local health, welfare, social services and facilities to support size of development.
- doctors is a small surgery with only four doctors for two villages – elderly have to wait 5 days to see their doctor.
- doctor's surgery caters for over 5000 people.
- GPs have not been consulted.
- medical centre needs to be enlarged before new houses are built
- no scope for extension at the medical centre and inadequate parking
- only one small shop and post office.
- childrens play area will be moved from less central location and children will have to cross very busy road.
- do not need further development to sustain existing services in the village.
- applicants have advised they will not be responsible for increased pressure on infrastructure.

Amenity Issues

- school and playing field will encourage anti-social behaviour as will be in more isolated location.
- will have to walk through village to and from school increasing opportunity for disturbance.
- use of school as a community resource will add to volume of traffic and associated noise late at night and light pollution will cause disturbance to residents.

Landscape

- green belt – no adequate attempts to use brownfield land.
- pond could pose a risk to children if left unsupervised.

Highways

- road network will become even more dangerous.
- have been a number of accidents, some resulting in fatalities and serious injuries on A52 from Yeldersley to Brailsford.
- traffic to and from Ashbourne estimated to have increased by 40% in the last 10 years.
- understand there are plans to build over 300 houses in Ashbourne which will add considerably to the constant stream of traffic through Brailsford.
- consequence of traffic congestion.
- Luke Lane classed as a minor road.
- access would feed onto Luke Lane which has HGV lorries going to cement works and would be a danger to children to cross Luke Lane to get to the school.
- no safe place to drop children off and parent's cars are likely to block the road whilst dropping off and collecting children.
- 12 drop off spaces completely inadequate – some 26% of pupils currently come from outside the catchment area and those in the area come from two villages not within walking distance – current school has some 40 drop off spaces at the nearby village institute.
- will be extra parking in the area to be put up with by local community.

Drainage

- drainage and flooding are problematic.
- have flooding in Luke Lane during prolonged periods of rainfall.
- impact on water supply to village – already has low pressure.
- small village sewage treatment works at maximum capacity and already suffers excess natural downpours causing flooding down Luke Lane.

Electricity Supply

- already overstretched.
- will mean more drop outs and serious outages especially if climate change causes more extreme weather.
- without electricity, gas central heating will not work.

Wildlife

- badger sett will be disturbed as close to the development.
- impact on other wildlife will be detrimental.
- considerable negative impact on wildlife with removal of hedgerows.
- light pollution will cause disturbance to wildlife.

Other matters

- not persuaded that development is viable or deliverable and ask that Council confirm it has received sufficient and robust evidence to ensure compliance with any undertakings that may be given.
- why has the land behind the existing school site not been considered as land not overlooked and therefore no impact on existing homes.
- correct location for additional housing would be along Throstlenest Way parallel to Main Road which has previously had 2-3 outline planning permissions over the last 45 years and has adequate access to main road, would be hidden and has adequate drainage.
- plans are unsound and not legally compliant.
- dictatorship emanating from DDDC representatives.

- democratic process has not been adhered to and failure in Duty to Co-operate.
- linking housing and school replacement was rejected in 1994.
- MP previously advised in 2003 there would be 'no homes for school policy' in Brailsford.
- legal issues regarding covenants on the playing field on The Plain and other legal irregularities in producing deeds and legal documents.

77 pre-printed letters which include 116 signatories raising objection on the following grounds:

- site is outside village boundary.
- out of proportion to current size of village – would increase it by 20%.
- no infrastructure guarantees in place e.g. medical, traffic volume – safety, drainage and flooding, climate change.
- other comments referred to in the representations above.

A total of three letters of representation from residents in Ashbourne, Ednaston and Longford supporting the application. The comments can be summarised as follows:

- new school and housing is a positive step towards sustainable development for the future generation.
- current school building and adjacent portacabin certainly not sustainable with no hall and cramped dining conditions.
- have to use institute for physical education and school events.
- steps and access issues prevent a physically limited child from attending the school.
- school not suitable for children with special needs.
- brought up in Brailsford but prevented from bringing children up there due to unaffordable housing.
- son has Special Education Needs and is progressing well at Brailsford School given its limitations.
- limitations of the school has prevented son, for safety reasons, from attending school when legs were in casts further to surgery.
- keep hearing phrase that it has been good enough for years – son is fourth generation to attend the school but expectations have changed over the years.
- would be fantastic to see on site sports place, proper assembly hall for all to gather comfortably and rooms accessible to all children.
- 50 homes would not greatly affect the local area or be overbearing in lovely quiet village.
- would not greatly affect infrastructure if done properly.
- glad to see no proposal to develop the playing fields at The Plain which is a lovely play area for children within sight of their homes.

Governors of Brailsford C of E School – Comment:

- support the planning application for a new school building.
- school has a high quality of staff and teaching and achieves excellent results, making it a very popular choice for parents and maintaining the high intake from the catchment area.
- this is achieved despite the poor state of the current school building which is no longer fit for modern educational needs.
- have listed below some of the problems the school encounters which explain the pressing need for a new school building:

- school is on a split site and has a public footpath running through at a key point of access which causes a huge problem due to the lack of security for the children, and the logistics of moving children through the school
- position of the school is such that vehicular access is difficult for parents, staff and delivery vans - vehicles have to pass up a narrow shared drive, which is also the pedestrian access for parents and children in the village.
- the infants block, with the many stairs, narrow corridors and small rooms means there is no possibility of providing any access for pupils or staff with disabilities which is unacceptable.
- spaces in the school are too small.
- the corridors are very narrow and cluttered (due to lack of storage elsewhere) and are a significant risk to health and safety.
- there is no school hall that can accommodate the whole school at once.
- the dining room is up steep, narrow stairs and is too small for the children to all sit down for dinner together.
- the low ceiling makes it unsuitable for sports and physical activity in this old building causes plaster to shower down onto pupils in the classrooms below.
- children have to walk to the village Institute to take part in indoor sports and activities that require the space of a hall - significantly reduces the time spent on their learning activities, as well as needing extra staff to escort the children to and from school.
- Sports Day requires all the pupils to be escorted across the busy A52 and up to a playing field for the event to take place.
- the old building that houses the infant classrooms, kitchens, dining hall, IT suite, library and staff room has porous, damp walls which need frequent attention as the paintwork quickly peels to reveal bare plaster.
- the old building was recently found to have woodworm in the roof beams.
- there is worsening, unexplained subsidence of the floor in Class One which is causing concern for pupil safety and is likely to be very costly and disruptive to remedy.
- County Surveyor discovered previously unseen bowing of the external wall of the old school building, adjacent to the access path to the school - awaiting a more detailed structural survey, but this is causing extreme concern.
- the ridge tiles of the building are in very poor repair, the cost of maintaining these will be high and there are health and safety risk to the pupils playing in the yard below and accessing the classrooms, especially during the recent strong winds.
- the two junior classrooms, the school and Head Teacher's offices are housed in two portacabins which are approximately thirty years old and are in a state of dilapidation that may mean they are soon too costly to maintain.
- there is a great need for a new building and that is why Governors are supporting the plans for a new school building in Brailsford.

POLICIES:

1. Adopted Local Plan (2005)
 - SF4 Development in the Countryside
 - SF5 Design and Appearance of Development
 - SF7 Waste Management and Recycling
 - SF8 Catering for the Needs of People with Disabilities in Development and Redevelopment
 - H4 Housing Development Outside Settlement Frameworks
 - H9 Design and Appearance of New Housing
 - H13 Affordable Housing - Exceptional Sites in Rural Areas
 - NBE4 Protecting Features or Areas of Importance to Wild Flora and Fauna
 - NBE5 Development Affecting Species Protected by Law or are Nationally Rare
 - NBE6 Trees and Woodlands
 - NBE7 Features Important in the Landscape
 - NBE8 Landscape Character
 - NBE12 Foul Sewage
 - NBE26 Landscape Design in Association with New Development
 - NBE27 Crime Prevention
 - CS1 Sites Required for Community Facilities
 - CS8 Provision of Community Infrastructure
 - L6 Outdoor Playing Space in New Housing Developments
 - TR1 Access Requirements and the Impact of New Development
 - TR8 Parking Requirements for New Development
2. Derbyshire Dales Local Plan: Pre-Submission Draft (June 2013)
 - Strategic Policy 1 - Sustainable Development Principles
 - Strategic Policy 3 - Protecting and Enhancing the Natural and Historic Environment
 - Development Management Policy 6 - Landscape Character
 - Development Management Policy 7 - Biodiversity and Geological Interests
 - Development Management Policy 9 - Design and Appearance of Development
 - Development Management Policy 15 - Local Community Services and Facilities
 - Development Management Policy 16 - Land For New Residential Development
 - Development Management Policy 17 - Affordable Housing
 - Development Management Policy 21 - Open Space
 - Development Management Policy 22 - Access and Parking
 - Development Management Policy 23 - Planning Obligations and Community Infrastructure Levy
 - Site Allocation Policy SA12 – Land at Luke Lane, Brailsford
3. National Planning Policy Framework
 - Paragraphs 14, 17, 47, 49, 50, 54, 55, 56, 57, 58, 60, 61, 64, 69, 72, 73, 74, 93, 94, 95, 96, 99, 103, 109, 111, 112, 113, 117, 118, 119, 125, 186, 187, 188, 189, 190, 191, 195, 196, 197, 203, 204, 205 and 206
 - Annex 1 Implementation paragraphs, 210, 211, 212, 213, 214, 215 and 216

ISSUES:

1. Introduction

The site is one of the sites within the Southern Parishes Sub Area identified in the emerging Local Plan as having potential for housing development (Site Allocation Policy SA12).

Having due regard to the policies of the adopted Local Plan, the policies of the emerging Plan, policy in the National Planning Policy Framework (NPPF), the site characteristics, comments of consultees and the representations received from the public, the key issues that have arisen are considered to be as follows:-

- (i) the principle of the application site being developed for new housing provision.
- (ii) the provision of community infrastructure such as the primary school through developer contributions.
- (iii) the housing mix and requirement for affordable housing provision.
- (iv) the density of development and appropriateness in context.
- (v) impact on amenity of residents in the locality.
- (vi) means of access to the site and highway/pedestrian safety.
- (vii) impact of the development on protected species.
- (viii) impact on trees and landscape features.
- (ix) surface water drainage and sustainability.
- (x) open space provision.

2. Housing Allocation having due regard to the Emerging Local Plan and Guidance in the National Planning Policy Framework

In assessing the application proposals, significant regard has been given to the Government's key aims of the NPPF:

- to boost significantly the supply of new housing;
- the presumption in favour of sustainable development;
- to achieve sustainable economic growth and develop a prosperous economy.

Paragraph 14 of the NPPF sets out the principle that there should be a presumption in favour of sustainable development in both the plan-making and decision-making process. For decision taking this means:

- approving development that accords with the development plan without delay;
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted.

At the local level, the proposals are not wholly in accordance with the saved policies of the Adopted Local Plan, particularly as the site is not allocated for housing development within this Plan. Policies SF4 and H4 would prevent open market housing development on this greenfield site. However, these policies are not considered to be wholly consistent with the NPPF and, in any event, relate to a plan period only up to 2011 where land was not actively allocated for development to meet

future housing needs. The planning policy context is quite different from the current context of plan making and therefore, in the context of Paragraph 14 of the NPPF, these Policies should carry limited weight.

Given the above, issues in assessing the planning application are wide ranging and complex in the context of national and local planning policies. The National Planning Policy Framework (NPPF) is the most up-to-date planning policy document relevant to the assessment of the planning application. Under the provisions of Paragraph 215 of the NPPF, and as of 27 March 2013, due weight should only be given to the relevant saved policies of the Adopted Local Plan according to their degree of consistency with the NPPF.

Paragraph 216 of the NPPF states that, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). In this respect, the Pre-submission Draft Local Plan sets out the District Council's proposed future housing requirement for 4,400 new dwellings between 2006 and 2028.

The application site was allocated for residential development under Site Allocation Policy SA12. This was undertaken through the emerging Local Plan Housing Options consultation between June and August 2012. After this extensive public consultation and site prioritisation exercise, the Local Plan Advisory Committee selected the site as one of the sites for meeting the District's housing needs. The site was among the District Council's preferred housing sites recommended to, and endorsed by a resolution of Council on the 14th February 2013 which gives weight to the draft allocations for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. In this respect, the principal of residential development of the site has already received the Council's endorsement.

The policy specifies that:-

Planning permission will be granted for the residential development and the provision of a replacement primary school on land at Luke Lane, Brailsford as defined on the Proposals Map for a maximum of 50 dwellings subject to compliance with Adopted Local Plan policies and subject to:

- *A comprehensive layout of the development.*
- *The submission of a phasing plan that indicates that prior to the occupation of no more than 50% of the dwellings the primary school is constructed and ready for occupation by the Local Education Authority.*
- *Transport Assessment including full highways design to demonstrate the provision of a site access.*
- *The required proportion of affordable housing.*
- *The provision of an appropriate mix of housing types to meet the needs of the community.*
- *The provision of open space on site.*
- *Flood Risk Assessment, including surface water control measures via the use of SuDS.*
- *Ecological Assessment.*
- *Development contributions towards the provision of necessary infrastructure, educational services and other community services including open space.*

- *Design reflecting the Landscape Character Supplementary Planning Document.*

As detailed above, the proposals are broadly in accordance with the emerging development plan strategy for the area as set out in the Derbyshire Dales Local Plan Pre-Submission Draft (June 2013), which proposes to allocate the application site for the development of a maximum 50 dwellings, together with a number of other allocated sites to meet the future housing requirements up to 2028 in the Southern Parishes Sub-Area. Given the above, it is considered that the proposals are broadly in accordance with national policies in the NPPF for sustainable development and the development of larger-scale housing as sustainable village extensions.

3. Provision of Replacement Primary School

There are three issues relating to the need to replace Brailsford Primary School. These are suitability, compliance and condition issues relating to both buildings, and land ownership/lease of the existing premises and site. The existing school is in a traditional, two storey building, with some teaching and the dining and kitchen areas upstairs. The staircase is so narrow that a one way pupil movement system is in place, but there are issues around safety of movement for both pupils and staff. The classrooms are small and lack natural light and ventilation. There is no dedicated library provision, although there is an ICT space. Storage of materials for teaching is in the staffroom.

The temporary building houses some teaching accommodation, the reception and admin office and the Head Teacher's office which is deemed to be sub-standard by the Local Education Authority (LEA). The site has a public right of way through it which creates safeguarding issues, as does the detached nature of the reception to the school. The reception entrance to the school is detached in a temporary building on land which is leased, not owned, by the LEA. A recent change in ownership of that piece of land has led to protracted negotiations over its future use for the school. Given the above, it is advised that the combination of these issues mean that Brailsford Primary School needs to be replaced.

It has been advised by the LEA that the current school has 108 pupils currently on the roll, of which 26 pupils live outside of the normal area. The number of pupils living within the normal (formerly catchment) area is 81. Projection data suggests a fall of numbers over the next five years, but this is reviewed each year.

The 50 dwellings proposed to be built by Miller Homes will yield 10 additional, normal area pupils. An additional 10, added to the current 108, will mean that the proposed school has two surplus places. Therefore, a school size of 120 places can accommodate demand for places from within the normal area, and from the proposed new housing, and may allow some external applications to be admitted under the school's admission criteria.

As pupils arrive from the new housing, their applications for a place at Brailsford Primary School will have a higher priority on the admissions criteria than those from outside of the normal area. When applications for places each year have reached the published admission number, all other applicants will be offered a right of appeal and a decision would be subject to the appeal panel analysing the individual case. Therefore, the proposal for a 120 place primary school would meet the demand for

places, and the design will be such as to enable growth of the building as well should future demand require it.

4. Housing Mix and the Requirement for Affordable Housing Provision

It is apparent that 80% of the houses are at the larger end of the market. However, this is considered to be befitting of the site by creating a more open form of less intensive development in preference to a tighter but more urban form of development. The larger dwellinghouses will also generate a potentially higher return on cost in order to make the scheme viable.

The initial submitted proposals made no provision for affordable housing as the developer considered the financial burden of providing for a replacement school and contribution to the health centre improvements would make the scheme unviable. The applicant has submitted a financial appraisal of the development and this has been independently assessed by the District Value Office (DVO) on behalf of the District Council.

Whilst the provision of affordable housing is below the target set in Policy H11 of the adopted Local Plan (i.e 33% all housing being affordable housing), it has been advised by the DVO that the scheme can only viably support a reduced provision of 7 affordable dwellings (equating to 14% of the total number of units). The main reason why the scheme cannot meet the District Council's affordable housing policy is due to the high level of abnormal costs and costs associated with providing the new school.

5. Provision of Financial Contribution to Medical Centre

During the public consultation into the emerging Local Plan, and the separate public consultation undertaken by the applicants, local residents raised concern with respect to the capacity of the Medical Centre to absorb an increase in village population in association with the proposed development. These points have been reiterated in the consultation responses to this planning application.

These concerns have been taken into consideration by the applicants who have offered a financial contribution of £26,000 towards enhancement of the existing facilities. Whilst this matter has not been discussed directly with the Medical Centre owners, and is a unilateral undertaking made by the applicants, this can nevertheless be reasonably secured for a period of 5 years via a Section 106 Planning Obligation Agreement. This will allow the Medical Centre to assess how, if at all, it could seek utilise such a contribution for the benefit of the practice. If the monies were not required by the Practice, they could reasonably be claimed back by the applicant after the 5 year period had lapsed.

6. Impact of the Development on the Character and Appearance of the Landscape

The application site is currently a greenfield site in agricultural use as pasture land. Although the site is designated as Grade II Agricultural Land, this is true of much of the land in an extended area surrounding the village on its western and southern sides. Development of the site will result in the loss of a comparatively small area of high quality agricultural land balanced against the need for housing provision.

The site is, generally, well contained and screened by surrounding hedgerows. Hedgerows on the western side are quite fragmented in nature and, in their present state, are not sufficient to completely screen views from the A52 to the southwest.

Additional planting within these hedges will both help to mitigate any adverse impact on visual amenity in this regard and help to satisfactorily assimilate development. This can be addressed through a condition with respect to landscaping of the site.

Much of the existing wildlife habitat, of hedgerows, hedgerow trees, pond and associated scrub, will be retained and incorporated into public open space. Additional hedge planting will also help to contain and screen the school development while planting in gardens and along access routes will help to create attractive school and residential environments. In addition, the overhead power line will be re-laid underground which will be a visual improvement.

7. Archaeological Matters

The site is within part of the medieval open field area and possesses historic landscape value as part of a field system fossilised from ancient strip fields. It is assessed as a 'secondary' Area of Multiple Environmental Sensitivity. The applicant's geophysical survey has shown medieval ridge and furrow features throughout the site and features which possible pre-date this although these do not suggest archaeology of high complexity or significance. Therefore, the Development Control Archaeologist has advised that the archaeological interest should be addressed through conditions with respect to a Written Scheme of Investigation.

8. Design and Density of the Residential Development and Appropriateness in Context

The application is for 50 dwellinghouses within a site area of approximately 3.5 hectares. Whilst this is relatively low density development, it is nevertheless considered appropriate in the village context. There are a range of dwellinghouses that, whilst being of different sizes, do reflect an overall design theme by all being brick built and gable ended. This brings a sense of integration of the dwellinghouses within the development.

Some of the dwellinghouses are proposed with an alternative brick, buff/red brick to introduce variety to the predominant red brick. The proposed roof tiles are considered to be rather bulky and it is considered reasonable to attach a condition that all materials are submitted for approval by way of conditions.

9. Impact on Amenity of Residents in the Locality

The nearest dwellinghouses to the site are those on the opposite side of Luke Lane. In terms of physical impact, it is considered that the proposed development is sited to not have a significant impact on the amenity of the neighbours in terms of light, outlook and privacy.

Within the development, it is again considered that the positioning of the dwellinghouses affords appropriate distances between properties to ensure that there are no significant amenity issues arising for future occupants. In this respect, it is considered that the removal of permitted development rights for extensions and outbuildings, etc. on most properties would not be justified. However, it is considered reasonable to remove permitted development rights for dormer windows throughout the development.

In addition, as several of the dwellinghouses do not front a public highway (which includes a public footpath), it is considered reasonable to remove permitted development rights for extension to their front elevations, as this could have a

significant impact on the character and appearance of the development. In this respect, this would include Plots 01, 02, 03, 07, 08, 09, 13, 16, 17, 20, 26, 27, 42 and 43. It is considered that control over front extensions would be exercised on all the other dwellinghouses.

10. Transport Assessment, Access Issues and Highway/Pedestrian Safety

The Local Highway Authority have considered the application and made several comments which it is considered respond to the concerns detailed in the representations from local residents.

It has been advised that the Local Highway Authority is only able to give consideration to off-site traffic impact from development proposals where this represents a significant increase compared to existing flows already present. It is also advised that it is not incumbent upon applicants to address all of the pre-existing limitations of the highway network, only those where the development can be demonstrated to have a sufficiently large and harmful effect.

In the case of the Luke Lane/A52 junction, the Transportation Assessment concludes that there is sufficient capacity within the network to tolerate the addition of the development related traffic; this is borne out by the Local Highway Authority's own data which indicates sufficient flows on the A52 to make the additional development trips 'non-material'. An examination of personal accident data for the past 3 years has revealed no accidents at the junction itself (although it is understood that a recent incident may have occurred which is not yet on the database). The Local Highway Authority advises that there is no discernable pattern to highway incidents to which traffic related to the proposed development could be shown to exacerbate the extent whereby a refusal of planning permission could be substantiated.

In terms of the site and area specific highway, modifications to the site frontage have been proposed in terms of the vehicular and pedestrian links. It is recognised that the proposed school and the Medical Centre on The Green/Church Lane are likely to be key attractants for new residents of the housing development. Therefore, the Local Highway Authority advises it may be beneficial to provide a continuous pedestrian link on the western side of Luke Lane, linking to existing provision, to ensure pedestrian opportunities are maximised.

The applicant has submitted minor modifications to the internal estate street layout, primarily to improve visibility. The Local Highway Authority considers there to be scope to extend the turning spurs to ensure that refuse, service or delivery vehicles can manoeuvre within the streets or turning areas at the head of the cul-de-sacs. The highway geometry may also need to be adjusted slightly in the cul-de-sac streets to ensure the appropriate adoptable highway corridor can be achieved; the designs of these areas could be covered by appropriate conditions and dealt with within the Construction Approval process. The pedestrian access to the north may require some form of additional access control/pedestrian guardrail arrangement to minimise the risk of pedestrians emerging directly onto Luke Lane.

In terms of the proposed school, further speed assessment work has been undertaken and appropriate visibility appears to be achievable within the constraints of the controlled site frontage. However, this would not in isolation overcome the Local Highway Authority's concerns over increased pedestrian activity on a section of road subject to the national speed limit. It was suggested that the applicant explore

the possibility of, and fund, an extension of the 30mph speed limit (and possibly a 40mph 'buffer' limit) in this area. It is appreciated this would be *ultra-vires* to impose as a planning condition, but an undertaking within a Section 106 Legal Agreement could address this matter.

In terms of other revisions, the applicant has included 'keep clear' markings at the school entrance. However, further parking restrictions may be required to dissuade inappropriate parking associated with the school taking place along Luke Lane. Again this would rely on appropriate funding being put in place by the developer for the County Council to pursue the necessary Traffic Regulation Orders to support any parking restrictions on their behalf.

The Local Highway Authority advises that the proposals should look to incorporate some form of 'school safety zone' along the school frontage and incorporation of the lay-by opposite into the development proposals, given the obvious attraction this will present for dropping off/picking up school children. Given the above, the Local Highway Authority has advised the Local Planning Authority to consider obtaining more specific details or alternatively require further details to be submitted and approved by condition/included within a Section 106 Legal Agreement.

Given the above, the Local Highway Authority would be looking for the following items to be considered for a more comprehensive package of improvement measures to safely integrate the school into its proposed location:-

- Review and relocation of 30mph speed limit.
- Traffic Regulation Orders to restrict roadside parking in the vicinity of the school.
- Implementation of a 'School Safety Zone' – signage, lining, calming measures if required, improved lighting, pedestrian and pedestrian crossing facilities etc.
- Improvements to lay-by to accommodate drop off/pick up by parents with meaningful linking pedestrian facilities into the new school site.
- Increased width pedestrian margins where possible.

The Local Highway Authority also raise concern that no cycle parking appears to be included for the school and it is considered reasonable to attach a condition to any grant of planning permission to ensure that such facilities are provided.

No travel plan has been submitted for the school. However, the Local Highway Authority would wish to be involved in this process in order to ensure the aspirations of the travel plan and development as a whole accords with the assumptions made within the Transport Assessment. This will require additional County Council resources that it would wish to recoup through a Section 106 Legal Agreement and the current costs of £1000 per year, over a 5 year period, should be sufficient for this purpose.

Given the above, it is considered by Officers that the matters raised by the Local Highway Authority can be reasonably addressed through conditions on any planning permission and through legal undertakings with a Section 106 Agreement.

11. Impact on Wildlife

Derbyshire Wildlife Trust (DWT) has advised that the protection of the viable population of great crested newts is a requirement of law. The retention of the pond and associated scrub vegetation is therefore welcomed and this fits well with the aim of creating a wildlife habitat corridor in the southern part of the site. However, this potentially conflicts with other aspirations to provide an extensive area for outdoor recreation. For instance, the BSG Ecology report submitted by the applicant suggests that, although development is unlikely to adversely affect the breeding pond, it will affect immediate, intermediate and distant terrestrial habitat.

In mitigation, the BSG Report suggests that a 1.5 ha of open space within the south east of the site should be managed as high quality, terrestrial habitat for the newts, with 0.8 ha (at least) of which being multi-functional with recreational needs. Such potential conflict between wildlife and recreation use does not appear to have been fully thought through. However, it is considered that the wildlife spaces and corridors could be defined from informal games and play areas which should help to prevent conflict. It is considered that this could be addressed with a condition on any planning permission.

A strategy for how this might work should also include provision for linking the badger sett to the southern habitat corridor as recommended by the BSG report. The hedgerow between the dwellinghouses of Plots 8-17 could provide such a corridor and this could be reasonably addressed with a condition on any grant of planning permission.

12. Impact on Trees and Landscape Features

Most of the existing hedgerows and hedgerow trees would be retained and, where appropriate, enhanced. The pond, and the scrubland associated with it, would also be retained and incorporated into a substantial area of open space, which will constitute a wildlife habitat corridor across the south of the site. New hedgerows would be planted in the north to help contain the site of the school.

Other landscape features of the proposals include a village green at the centre of the development and garden and roadside planting of trees, shrubs and dwarf hedges. Planting will also be used within the school grounds to help create an attractive learning environment. Some existing hedgerow will be lost in order to facilitate access into and through the site but new and supplementary planting will compensate for this.

There are no objections in principle to the application with regard to the impact on the landscape. The site is generally well contained and screened by surrounding hedgerows. Hedgerows on the western side are quite fragmented in nature and, in their present state, are not sufficient to completely screen views from the A52 to the southwest. However, additional planting within these hedges will both help to mitigate any adverse impact on visual amenity and help to satisfactorily assimilate development.

The existing wildlife habitat of hedgerows, hedgerow trees, pond and associated scrub will be retained and incorporated into public open space. Additional hedge planting will help to contain and screen the school development while planting in

gardens and along access routes will help to create attractive school and residential environments. In addition the overhead power line will be re-laid underground.

Although the site is almost in its entirety designated as Grade II Agricultural Land, this is true of much of the land in the extended area surrounding the village on its western and southern sides. Development of the site will result in the loss of a comparatively small area of high quality agricultural land, balanced against the need for housing provision.

The retention of existing hedgerows is welcome. They are identified as providing valuable habitat for birdlife and invertebrates within the ecological report included with the submission. The report suggests that the development presents the opportunity to enhance this habitat by coppicing and rotational cutting of associated herbaceous vegetation. This requires a level of cohesive management but there is some concern that this is unlikely to be achieved by incorporating the hedgerows into domestic curtilage. As such, there will be a requirement for a long term management plan for the retention of existing site features as well as a condition on any further planting.

13. Drainage and Utilities

Local residents have raised concern with regard to localised flooding. However, the Environment Agency has advised of no objections to the proposals subject to conditions with respect to surface water drainage. In this respect, there are no substantive reasons to refuse the application. In addition, the development would need to have a compliant Sustainable Drainage System (SuDS) in order to meet with the requirements of Building Regulations.

With regard to foul drainage, the applicant would have to secure agreements with the Water Authority to connect into the existing mains drainage.

With regard to electricity supply, whilst it is noted that there may be cuts to the power supply, this is again a matter which the applicant would have to take up with the mains provider.

14. Open Space/Play Area Provision

Paragraph 73 of the NPPF advises that access to open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. In this respect, the applicant has agreed to the need to provide play facilities and open space to accommodate the needs of the occupiers of the residential development which would also allow access to such facilities by the wider community.

The inclusion of an extensive area of open space is welcome but more thought needs to be given on how this might function in terms of the intended “activity mix”, how this manifests itself within the design and how potential conflict with wildlife and habitat considerations is resolved. It is considered that such matters could be addressed with more specific details secured through conditions.

In addition to the open space and play area provision, the proposals provide facilities at the school that would enhance opportunities for recreation and leisure in the village.

15. Crime Prevention

The Crime Prevention Design Advisor has advised that application details do not fully satisfy requirements to design out crime. Suggestions are provided as to how this could be improved such as overlooking of car parking areas within the residential development and the access route to the MUGA. In addition, it is advised that the proposal appears to be in line with the County Council's risk management regarding security at the schools. However, Officers consider it reasonable to address such matters through a condition on any grant of planning permission.

16. Conclusion

Paragraph 216 of the NPPF advises that weight can be given to relevant policies of an emerging Local Plan from the date they are published. This is based on how consistent the policies are to the NPPF, how advanced the emerging plan is towards adoption and the extent to which there are unresolved objections to the policies. In this respect, the site has previously been considered for allocation for residential development further to extensive public consultation and the site prioritisation exercise. The Local Plan Advisory Committee selected the site as one of the sites for meeting the District's housing needs and this was endorsed by a resolution of Council. As such, the principle of residential development of the site has the Council's endorsement.

Accordingly, it is considered that the need to provide additional land for housing in accordance with emerging development plan policy, and the benefits associated with the provision of a new school and its ancillary facilities, outweighs the conflict that exists with the Adopted Derbyshire Dales Local Plan policies that deal with the location of new housing development and the protection of the countryside. Furthermore, 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.

In this regard, Policies SF4 and H4 of the adopted Derbyshire Dales Local Plan are not wholly in accordance with the NPPF and, as such, the provisions of Paragraph 14 of the NPPF are engaged. The site will form an acceptable extension to the settlement, as it is immediately adjacent to the current Settlement Framework Boundary established in the adopted Local Plan (2005). In addition, the proposals will also deliver a replacement primary school, community open space, enhanced recreational opportunities in the village, affordable housing and a contribution to the local health care facility.

The community benefits to be derived from the delivery of this scheme are considered to significantly outweigh any harm or conflict with the Development Plan and, on this basis, the granting of planning permission is recommended.

OFFICER RECOMMENDATION:

That authority be delegated to the Corporate Director to grant full planning permission subject to the completion of a Section 106 Planning Obligation Agreement to secure the appropriate on-site affordable housing provision, a financial contribution to the health care centre, funding for highway and footpath improvements, roadside parking restrictions, speed limit review and travel plan monitoring, and any other matters that cannot be dealt with by conditions, and subject to the following conditions:

1. Condition ST02a: Time Limit on Full
2. The development hereby approved shall be carried out in accordance with the original submitted plans and specifications except as amended by the drawings and specifications received on 31st January 2014 and 27th and 28th February 2014 and except insofar as may otherwise be required by other conditions to which this permission is subject.
3. Notwithstanding the details on the approved plans and specifications, before the development commences details of the bricks and tiles shall be submitted in sample form for approval by the Local Planning Authority. The development shall thereafter be carried out with the approved materials.
4. Condition DM12a Sample Panel to be Inspected on Site
5. Condition DM25 Window/Door Frames – Details Required
6. Condition DM27 Rainwater Goods, etc. – Details Required
7. Before the development commences, details of the type and positioning of any meter boxes and/soil waste pipes shall be submitted to and approved in writing by the Local planning Authority and shall thereafter be provided in accordance with the approved details.
8. No development shall commence until detailed plans showing the design, location, and materials to be used on all boundary walls/fences/screen walls and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The boundary treatments so approved shall then be completed prior to the occupation of each dwellinghouse and completed around all public areas as may be required on the completion of the development and shall thereafter be retained in perpetuity.
9. Condition LA12a Approval of Landscaping Scheme Before Commencement of Development
10. Condition LA13a Landscape to be Carried Out and Maintained
11. No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), to include the pond and areas of open space, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:
 - i) detail extent and type of new planting (NB planting to be of native species);
 - ii) details of maintenance regimes details of any new habitat created on site;
 - iii) details of treatment of site boundaries and/or buffers around water bodies;
 - and

- iv) details of management responsibilities.
12. The hedges detailed to be retained on the site shall be maintained at a height of not less than 3m in perpetuity unless any variation is agreed in writing with the Local Planning Authority.
 13. Before the development commences a detailed landscaping plan for the area of open space and measures to protect the pond and wildlife area from the public areas, in the interests of safety and wildlife protection, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall also include the provision of a wildlife corridor from the north to the south of the site within the line of hedgerow proposed to be retained between the rear gardens to Plots 08 to 17. The development shall thereafter be provided prior to the public areas being brought into use and shall occur at the latest on the occupation of the 30th dwelling on the site.
 14. Prior to the commencement of any works which may affect great crested newts and/or their habitat, a detailed mitigation and monitoring strategy, including the need to obtain a Natural England EPS licence, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.
 15. No development shall commence, nor shall any materials or machinery be brought onto the site, until a 2 metre high fence of Weldmesh securely attached to scaffolding poles inserted into the ground has been erected in a continuous length, one metre beyond the crown spread of the trees and hedges to be retained as detailed on the approved drawings (or such other fencing as is agreed in writing with the Local Planning Authority). The fencing must be erected prior to the commencement of the development and remain throughout the period of construction and no materials or equipment shall be stored, no rubbish dumped, no fires lit or any excavation or changes in level take place within the fenced area.
 16. 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
 17. The seven affordable housing units shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - b) the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) if no Registered Social landlord is involved;
 - c) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

18. No dwelling shall be first occupied until:

- a) a scheme for the laying out and equipping of amenity spaces and a play area, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the areas and equipment has been submitted to and approved in writing by the Local Planning Authority; and
- b) the amenity areas and play area have been laid out, in the case of the play area equipped, in accordance with the approved scheme.

19. Condition GR9 Secure by Design

20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy for Miller Homes, for Luke Lane, Brailsford (Ref: 12138/FRA/RevA; Date: 08/11/2013) and the following mitigation measures detailed within the FRA:

- a) Soakaways will be used to drain the proposed buildings and private external works.
- b) The proposed highways drainage will be limited to 5l/s and the outfall will need to be approved by the Local Highways Authority prior to commencement of construction.
- c) The proposed surface water drainage system will be designed to ensure no flooding during the critical duration 1 in 30 year rainfall event and no property flooding will occur during the 1 in 100 year critical duration rainfall event (with a 30% increase in peak rainfall intensity to account for the impacts of climate change).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

21. No development shall take place until a surface water drainage scheme for the site, based on infiltration drainage measures, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water runoff from the development for the critical storm for any rainfall return period (up to the 1 in 100 year climate change storm), is limited to the equivalent unit Greenfield runoff rate or 5 l/s, to ensure that the runoff from the development will not exceed the runoff from the undeveloped site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- details of how the scheme shall be maintained and managed following completion;
- details of the performance of the infiltration drainage measures for the critical event duration up to the 1 in 100 year (with 30% increase in peak rainfall intensity for the impacts of climate change) event; and.

- details of the continued maintenance, management and ownership of the proposed soakaway systems.
22. Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
 23. Throughout the period of construction, within any phase, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall, where applicable, have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.
 24. Before any other operations are commenced, a new estate street junction shall be formed to Luke Lane in accordance with the application drawing (Drawing No. EMS.2477_002 G), laid out at least 5.5m wide with 6m entry/exit radii, constructed to base level and provided with 2.4m x 59m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
 25. Before any other operations are commenced (excluding creation of the new access, the subject of condition 24 above), any existing vehicular (and pedestrian) access(es) to Luke Lane across the residential site frontage shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway (or verge) in a manner to be agreed in writing with the Local Planning Authority in consultation with the Local Highway Authority.
 26. The pedestrian accesses to Luke Lane shall be provided with 2m x 2m x 45° pedestrian inter-visibility splays on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
 27. The residential development, the subject of this permission, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawing (Drawing No. EMS.2477_002 G) to conform to the County Council's 6C's design guide, constructed to binder course level, drained and lit in accordance with the County Council's specification for new housing development roads. The streets being fully completed with final surface courses applied to footways and carriageways within 6 months of 95% occupation of the dwellings on the development or other such reasonable timescale agreed with the Local Planning Authority.
 28. Before any other operations are commenced, a new vehicular access to serve the school shall be created to Luke Lane in accordance with the application drawing (Drawing No. A102 Rev J), laid out, constructed and provided with minimum 2.4m x 56m visibility splays in either direction, the area in advance of

the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

29. Before any other operations are commenced, a detailed scheme showing improvements to Luke Lane in the vicinity of the new school site shall be submitted to the Local Planning Authority for written approval. The details shall include, but not be limited to the following items:-
- i. Implementation of a 'School Safety Zone' – including signage, lining, traffic calming measures if required, improved lighting, pedestrian and pedestrian crossing facilities etc.
 - ii. Construction improvements to the lay-by on the east side of Luke Lane to accommodate drop off/pick up by parents with meaningful linking pedestrian facilities into the new school site.
 - iii. Increased width pedestrian margins where possible in the vicinity of the school.

The works shall be laid out strictly in accordance with the approved details prior to the new school being taken into use.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage accommodation/parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.
31. A minimum 2m wide footway shall be provided along the entire controlled site frontage to Luke Lane and shall connect to existing footway provision to the south of the site in a scheme to be submitted to and approved in writing with the Local Planning Authority. The works being carried out in accordance with the approved scheme, prior to occupation of the 15th dwelling or other such timescale agreed with the Local Planning Authority.
32. No gates, including any part of their opening arc shall be permitted to open out over public highway limits. Any gates should therefore be set back an appropriate distance from the carriageway edge or be physically prevented from opening over the adjoining highway.
33. The proposed driveway gradients shall be no steeper than 1:14 for the first 5m from the nearside highway boundary and 1:10 thereafter.
34. Internal residential estate street junctions shall be provided with 2.4m x 25m visibility splays in either direction, measured up to 1m into the carriageway at the extremity of the sightline. The area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
35. The development, the subject of this permission, shall not be commenced until precise details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being

dazzled), has been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the approved scheme.

36. The premises, the subject of this permission, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.
37. The residential development, the subject of this permission, shall not be occupied until space has been provided within the application site in accordance with the application drawing (Drawing No. EMS.2477_002 G) for the parking and setting manoeuvring of residents, visitors, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
38. The school, the subject of this permission, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking, loading and unloading, picking up and setting down passengers, manoeuvring of visitors, staff, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
39. No residential development shall commence until full details of the laying out of all open spaces, including children's play areas, play equipment and hard and soft landscaping and arrangements for their future maintenance have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and maintained thereafter in accordance with the agreed details.

Reasons

1. Reason ST02a
2. To define the permission.
- 3-7. To ensure the satisfactory appearance of the development to comply with government policy contained in the National Planning Policy Framework and Policies SF1, SF5, H9 and NBE8 of the adopted Derbyshire Dales Local Plan (2005) and Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policies 6 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).

- 8-10. To ensure the satisfactory appearance of the development to comply with government policy contained in government policy contained in the National Planning Policy Framework and Policies SF1, SF5, H9, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policies 6 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
11. To ensure the proper maintenance and management of landscaped areas and to protect wildlife, support habitat and secure opportunities for the enhancement of the nature conservation value of the site to comply with the aims of government policy contained in the National Planning Policy Framework and the aims of Policies SF5, H9, NBE4, NBE5, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policies 6, 7 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
12. To ensure the satisfactory appearance of the development to comply with government policy contained in government policy contained in the National Planning Policy Framework and Policies SF1, SF5, H9, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policies 6 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
- 13-14. To ensure that the development has due regard to the presence of protected species in order to maintain/enhance the status of the species 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) and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policy 7 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
15. To safeguard trees to be retained as part of the approved landscaping of the site in order ensure the satisfactory appearance of the development to comply with government policy contained in government policy contained in the National Planning Policy Framework and Policies SF1, SF5, H9, NBE6, NBE8 and NBE26 of the adopted Derbyshire Dales Local Plan (2005) and Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policies 6 and 9 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
16. In order to secure the provision of affordable housing in accordance with government policy contained in the National Planning Policy Framework and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policy 17 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
17. To ensure the provision of an adequate level of play space facilities to the development site to comply with government policy contained in the National Planning Policy Framework and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policy 21 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).

18. To provide satisfactory surface water drainage provisions to comply with government policy contained in the National Planning Policy Framework and aims of Strategic Policy 1 and Site Allocation Policy SA12 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
19. Reason GR9
20. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants to comply with government policy contained in the National Planning Policy Framework and the aims of Strategic Policy 1 and Site Allocation Policy SA12 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
21. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and future occupants to comply with government policy contained in the National Planning Policy Framework and the aims of Strategic Policy 1 and Site Allocation Policy SA12 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
- 22-36. 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) and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policy 22 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
- 37-38. 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) and the aims of Strategic Policy 1, Site Allocation Policy SA12 and Development Management Policy 22 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).
39. To ensure the satisfactory provision of open space and childrens' play area provision in accordance with policy contained in the National Planning Policy Framework and the aims of Policy L6 of the adopted Derbyshire Dales Local Plan (2005) and the aims of Strategic Policy 10 and Development Management Policy 22 of the Derbyshire Dales Pre-submission Draft Local Plan (2013).

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 the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is

advised to allow approximately 16 weeks in any programme of works to obtain a Section 38 Agreement.

- 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.
- Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway/new estate street 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soak-away within the site.
- Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Economy, Transport and Environment Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Joanne Mason on 01629 538612 for further information.
- Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.
- Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Local Highway Authority via email es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks 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,

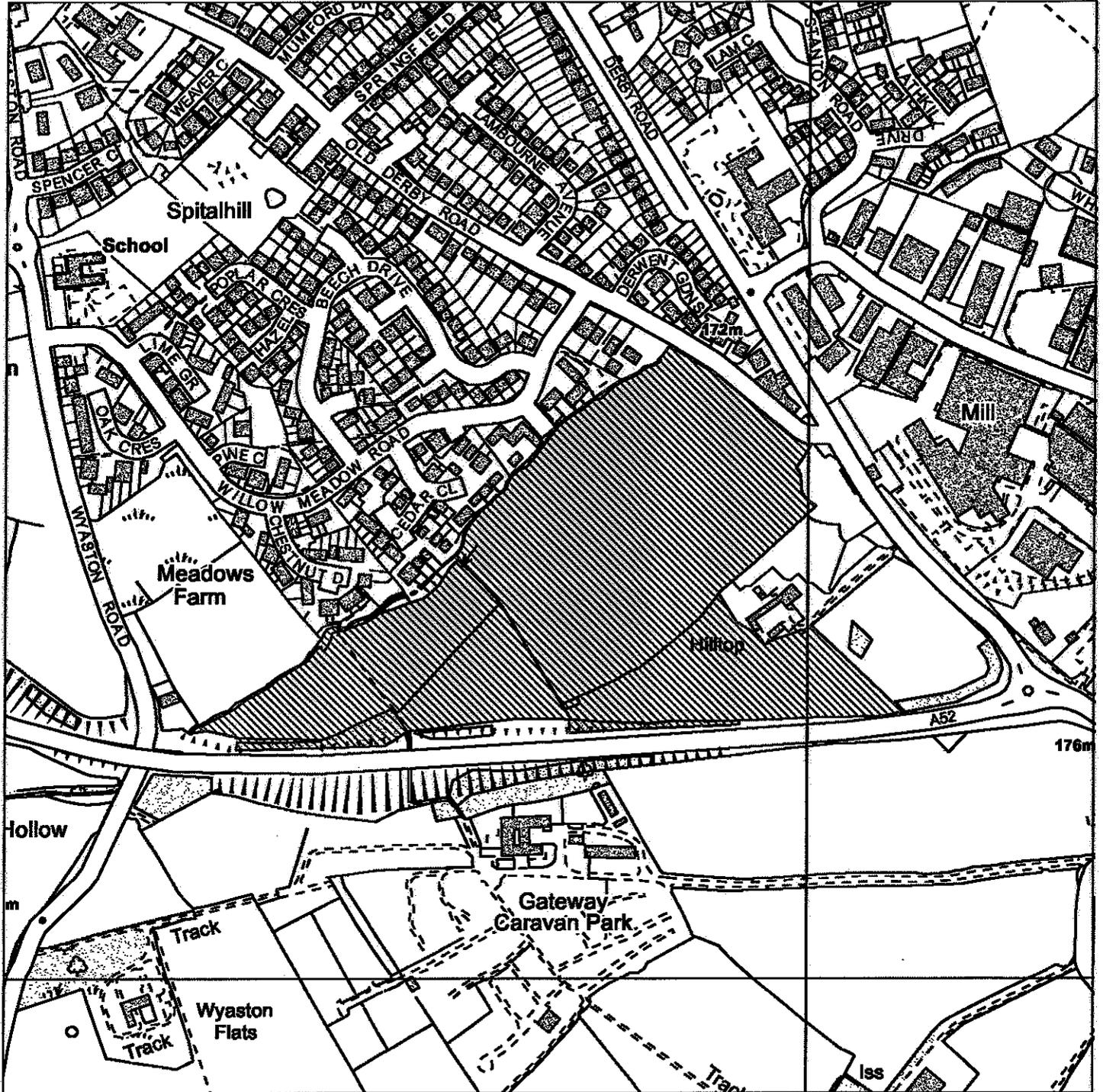
Transport and Environment Department at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).

- Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190 and ask for the Transportation Section).
 - Construction works are likely to require Traffic Management and advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.
2. Steve Baker, the Development Control Archaeologist at Derbyshire County Council will be responsible for monitoring the conditioned archaeological work on behalf of the Local Planning Authority, and the applicant/agent should contact him on (01629) 539773, in the first instance, for advice on the production of the written scheme of investigation.
 3. NFA27: Badgers Act
 4. NFA28: Wildlife and Countryside Act
 5. NFA 30: Secure by Design
 6. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial concerns with the application relating to matters of affordable housing provision and amendments to the scheme with respect to highway safety matters and pedestrian access to Luke Lane and to the Multi-user Games Area (MUGA).
 7. 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. 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.
 8. This decision notice relates to the following documents:
Site Location Plan 1:1250 received on 26th November 2013
Topographical Survey Drawing Nos. 11444_OGL (F1) Rev.2 and (F2) Rev.2
Design and Access Statement for Residential Development received on 26th November 2013
House Type Pack received on 26th November 2013
Additional Information received on 27th February 2014

Amended Plan LL/CHI/01 received on 31st January 2014
Amended Layout Drawing No. EMS.2477_002 I received on 28th February 2014
Design and Access Statement for Proposed Primary School received on 26th November 2013
Proposed Primary School Drawing Nos. 13004/A110F, A111B, A200D and A300C
Amended Drawing No.13004 A102J received on 27th February 2014
Additional Plan 12138/001 received on 27th February 2014
Consultation Statement received on 26th November 2013
Transport Statement received on 26th November 2013
Supporting Planning Statement received on 26th November 2013
Preliminary Drainage Strategy received on 26th November 2013
Flood Risk Assessment and Drainage Strategy received on 26th November 2013
Arboricultural Assessment received on 26th November 2013
Extended Phase 1 Habitat Survey received on 26th November 2013
Further Ecological Surveys: Protected Species and Breeding Bird Survey received on 26th November 2013
Geophysical Survey Report received on 26th November 2013

13/00911/OUT

Land Off Old Derby Road, Ashbourne



Scale : 1:5000

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

Organisation	Derbyshire Dales District Council
Department	Not Set
Comments	Not Set
Date	14 March 2014
Licence No.	100019785

13/00911/OUT RESIDENTIAL DEVELOPMENT OF UP TO 200 DWELLINGS WITH PUBLIC OPEN SPACE, HIGHWAY IMPROVEMENTS AND LANDSCAPING (OUTLINE) AT LAND OFF OLD DERBY ROAD, ASHBOURNE FOR THE TRUSTEES OF SIR IAN WALKER-OKEOVER

Town Council: Ashbourne
Application type: Outline

Date of receipt: 24.12.2013
Case Officer: Mr. J. Bradbury

THE SITE AND SURROUNDINGS:

The application site comprises of 9.9 hectares of agricultural grazing land immediately to the south east of the built up area of Ashbourne. The site is bounded by the bypass to the south with an intervening planted bund. To the north west is the recently approved housing site at Willow Meadow Farm which adjoins an existing suburban estate which form the remainder of the northern boundary. A stream marks a fold in the landscape between the site and existing housing and runs down from north east to south west. The line of this brook is tree lined with the tree cover increasing in amount generally as you move down from north to south.

The site comprises of 4 fields with the largest being that which fronts onto Old Derby Road and bounds the curtilage of the Hill Top Farm and the listed Old Toll House to the east. This field is roughly rectangular and slopes gently down from north east to south west but also with a ridge which descends from its eastern boundary back towards Ashbourne to the west. The field immediately to the south east of this is triangular in shape and wraps around the southern edge of the buildings at Hill Top Farm. This field is fairly level with individual specimen trees and is screened from the bypass by established planting.

The boundary between these fields is marked by a fence whilst along the south western boundary of the fields is a hedgerow with trees which separates the fields from two further fields to the south west. These fields slope more steeply with the gradient increasing down to the brook and are separated by a further hedgerow running north east to south west. A public footpath emerges from across the stream to the north and ascends these fields before crossing the bypass. These fields are also well screened along their southern boundary by mature planting between them and the bypass.

THE APPLICATION:

Outline planning permission is sought for residential development of up to 200 dwellings with public open space, highway improvements and landscaping. All matters are reserved with the exception of the access to the site. The applicants have detailed the access arrangement with access being taken from Old Derby Road. The centre line of the access which will run perpendicular to Old Derby Road is approximately in the position of an existing bus stop 60m from the north eastern corner of the site. The access is designed with a 6.75m carriageway with 2m footways either side. The access has a 10m kerb radii and 2.4m x 43m visibility splays in either direction. Footways will link with the existing footway to the west and extend to the east to allow for a dropped kerb crossing point.

The highway works include the realignment of the junction with Derby Road with an improved 10m kerb radii created to both west and east. The existing bus stop on Old Derby Road is relocated approximately 55m to the west.

The application is accompanied by a range of supporting reports as follows:-

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Transport Assessment with associated Appendices on Scoping Indicative Masterplan and Signal Plan
- Residential Travel Plan
- Heritage Assessment
- Flood Risk Assessment
- Ambient Noise Assessment
- Ecological Report
- Tree Condition Survey
- Air Quality Assessment
- Affordable Housing Statement
- Draft Heads of Terms for legal agreement
- Statement of Community Involvement

An indicative Masterplan has also been submitted to demonstrate how 200 dwellings with associated open spaces could be accommodated on the site.

The documents submitted have been circulated to relevant consultees and where appropriate are discussed in more detail in the 'The Issues' section of this report.

It is, however, relevant to briefly summarise the applicant's case as put in their Planning Statement which makes the following key concluding points in support of the application:-

- The principle for development of the site is established due to the evidenced five year housing land supply shortfall which is an overriding material consideration.
- The shortfall means that additional non-allocated sites in sustainable locations will need to be brought forward.
- It has been demonstrated that the weight to be attached to the existing Saved Local Plan policies should be reduced.
- The District has a shortage of land for housing and this development will contribute to the supply and need for housing.
- The development will provide affordable housing to support local affordable needs in line with policy.
- The proposed development is both high quality and sustainable. Ashbourne is one of the most sustainable settlements in the Derbyshire Dales and therefore a sustainable location for additional growth.
- The development accords with the economic role of sustainable development in that it will contribute to a strong responsive economy through the provision of jobs during the construction phase of development.
- The development accords with the social role of sustainable development protecting and enhancing the best of the local natural environment.
- The application site relates well to the existing built form and is a logical extension to the existing urban area.
- The development sensitively addresses site development issues including matters such as site access, sustainable travel, flood risk and drainage as well as taking on board matters such as the landscape setting and ecology.

- The development will make appropriate financial contributions to support local services and infrastructure to further mitigate any impacts as required.
- The development will qualify for a New Homes Bonus to the Council which can be further used to benefit the community.

RELEVANT HISTORY:

No recent relevant history, although schemes in the mid-1960s and mid-1970s to develop parts of the site fronting Old Derby Road were rejected.

CONSULTATIONS:

Ashbourne Town Council:

Committee members feel that insufficient information is provided to make a decision.

Osmaston Parish Council:

State that a number of the Councillors are tenants of the Okeover Estate and the other 2 cannot form a quorum meeting. Nevertheless make the following observations:-

Access - There seems to be a number of proposals and trust the Highway Authority will choose the best one.

Type of Housing – As it is an outline application design details are not included but raise the following points:-

- The affordable housing should be on site
- Traffic calculations indicate that the houses will be 2/3 bedroom ones and would like this to be held for the detailed application.

Education – As Hill Top is infant only Parkside should be included in calculations.

Flooding – The pond / buffer system should be designed for capacity in excess of what would be considered adequate.

Clifton and Compton Parish:

No comment.

Local Highway Authority:

The application incorporates a Transport Assessment which factors in traffic flows from this site and other sites previously granted permission but does not factor in the traffic flows from the recently submitted Ashbourne Airfield scheme. Capacity assessment of the following junctions was included:-

Derby Road / Old Derby Road T-Junction
 A52 / Derby Road Roundabout
 Derby Road / Springfield Avenue T-Junction
 Station Street / Compton Street / Sturston Road, Derby Road
 Old Hill signal junction

All but the latter were identified as continuing to operate satisfactorily and no mitigation is proposed.

The analysis of the signal junction suggests a reserve capacity of zero during morning peak hour. Whilst the applicants suggest that the impact of the development on this junction will be minimal a scheme of mitigation has been identified. It would be beneficial if this could be carried out to mitigate impacts – see conditions suggested below.

The Transport Assessment also included an assessment of accident data which showed a total of 17 accidents have occurred in the previous 5 years in the area of interest. It is not considered that the development will lead to a material deterioration in the accident situation although it is noted that there have been 10 accidents recorded at the Compton / Sturston Road junction.

The application includes a Travel Plan which has been analysed. This is broadly acceptable but it is noted that the Travel Plan is a 'working' document. As the Local Highway Authority is likely to have an active role in its future policing request a financial contribution of £5,000 to cover the cost of this over 5 years.

The application is in outline with only means of access identified.

The proposed T-Junction to Old Derby Road has been traffic modelled and no specific capacity issue causing harm to highway safety have been identified. Therefore, the proposed access is acceptable in capacity terms to support the development.

The access drawing also shows geometry improvements to the existing Old Derby Road / Derby Road junction. These modifications are acceptable although a fully designed scheme will need to be drawn up.

Remote from the site further highway improvements are identified on Drawing F14138/04 to help mitigate the impact on the signalised junction. Whilst the Transport Assessment suggests this could be funded via a Section 106 contribution, no value has been attached to this. However, as the works lie within the limits of the public highway a condition can be applied to secure these works.

On the basis of the above, no objection is raised subject to conditions covering the points below and within a Section 106 securing funding of £5,000 to monitor the Travel Plan and a further £5,000 to promote sustainable travel to and from schools.

Suggested conditions to cover the following issue:-

1. Construction method statement / management plan.
2. Formation of junction to Old Derby Road.
3. Submission and implementation of scheme to improve Old Derby Road / Derby Road junction.
4. Submission and implementation of a scheme to mitigate impact of development on signalised junction at bottom of Derby Road.
5. Laying out of access roads in accordance with 6C's guidance.
6. Sole access from Old Derby Road.
7. Any existing access to Old Derby Road closed within 3 weeks of new access being formed.
8. Parking and manoeuvring for each dwelling provided before occupation.
9. No external lighting unless precise details approved.

10. Travel Plan to be submitted and approved.
11. Surface water drainage scheme submitted and approved.

Environment Agency:

Raise no objection in principle. However, the submitted Flood Risk Assessment does not include an assessment of the flood risk to the site from the adjacent / on-site ordinary watercourse. Whilst this might normally be a basis for objection given the nature of the site and outline form of application are prepared to deal with this issue by way of condition.

Suggest conditions covering following issues:-

1. Prior to any full or Reserved Matters application being submitted for all or part of the site an FRA addendum which establishes the flood risk and flood plain extents from the adjacent ordinary watercourse and proposed mitigation / layout to accommodate the findings shall be submitted to and agreed in writing by the Local Planning Authority.
2. Development shall not begin until a surface water drainage scheme based on SUDS principles has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

County Council Planning:

Make the following requests in relation to the provision of strategic infrastructure and statutory services:-

- Access to high speed broadband services for future residents.
- On-site provision of 0.9km of a Greenway pedestrian and cycle route along with a financial contribution of £28,800 towards future maintenance.
- £62,950 towards the construction of 0.3km of new Greenway to connect the site with the wider Greenway network along with a contribution of £28,800 towards future maintenance.
- £455,960.40 towards the provision of 40 primary places at Hill Top Infant and Nursery and Parkside Community Junior Schools.
- £515,285.10 towards the provision of 30 secondary places at QUEGS.
- £223,534.80 towards the provision of 12 post 16 places at QUEGS.
- New homes designed to Lifetime Homes standards.

County Council Minerals Planning:

The site is underlain by sand and gravel resources and covered by a Mineral Consultation Area. Mineral resources should be taken account of in non-mineral applications.

The National Planning Policy Framework has policies to seek to protect known mineral resources from sterilisation and these will be reflected in the new Minerals Local Plan. In order that mineral reserves are not prejudiced a condition is suggested requiring the applicant to provide information on the quality and quantity of the mineral and the viability and practicality of extracting the mineral prior to the development of the site.

Development Control Archaeologist:

There are no records of known archaeology within the site although ridge and furrow earthworks are visible on aerial photographs.

The site is, however, in an area of known prehistoric activity with a cluster of scheduled burial monuments within 500m to the south, two bowl barrows at Osmaston Fields nearby and further records at Hillside Farm.

Given this scatter of barrows in the vicinity it seems likely that there are corresponding foci of prehistoric occupation and probably also as yet undiscovered burial monuments. A site of 10 hectares consequently has some potential for previously undiscovered prehistoric archaeology with this categorised as low-medium potential.

Under the terms of National Planning Policy Framework Paragraph 128, because there is archaeological potential within the site the applicant is required to establish the significance of any heritage assets to enable the development impacts to be understood. In the absence of a heritage submission the application does not meet this requirement.

It is recommended that the applicants in the first instance submit a geophysical survey of the site as an initial screening for assets. If significant archaeological remains are identified trial trenching evaluation may be required pre-determination.

Once the above work has been done request reconsultation. In the meantime, maintain holding objection on grounds of non-compliance with National Planning Policy Framework, Paragraph 128.

Crime Prevention Design Advisor:

No comment at this stage. Policy NBE27 of the Local Plan should be addressed with a detailed layout.

Derbyshire Fire and Rescue Service:

Strongly recommend the installation of a Domestic Sprinkler System. Should one not be incorporated recommend a minimum 32mm water supply capable of delivering appropriate water supply to allow provision in the future.

Peak and Northern Footpaths Society:

No objection in principle. Ashbourne Footpath 25 crosses the site and it is essential that this is improved as part of the scheme. The presence of the footpath is highlighted as an element of sustainability. If the footpath is to provide good and easy access to local facilities and the countryside it will need substantial improvement comprising:-

1. Legally upgrading the path to a cycleway.
2. Replacing the existing dangerous at grade crossing of the A52 with a cycle bridge.
3. Ensuring that there are no steps leading to this bridge.
4. Improving the bridge where the path leaves the northern edge of the site so that it is wide enough for cyclists and there are no stiles or by a culvert.

5. The whole path from Chestnut Close into and across the site to the bridge and as far as the caravan site is given a hard surface suitable for use by both walkers and cyclists.
6. The path through the site runs through a wide landscaped area as indicated on the Masterplan.

Head of Housing:

The applicant's suggestions on affordable housing are brief. As with other recent planning applications in Ashbourne, the timing of actual delivery is important. If the site is going to take several years to come to fruition then on-site provision may well be acceptable. The mix of on-site provision should reflect the likely need for smaller homes and potentially bungalows. We would also suggest that one of our existing local housing association providers take on the affordable units.

Environmental Health:

Raise no objection to the application based on the information provided by the applicant. The noise report appears an accurate depiction of the current noise situation on site. The main noise sources are the A52 and Old Derby Road. However the noise levels at both night and day are within acceptable levels for a residential site. The consultants suggest that although noise levels are acceptable they would benefit from being reduced next to the road. A line of sight acoustic barrier is suggested such as a fence or wall which will reduce noise levels to gardens by 10 dBA. This provision of an acoustic barrier would be a suitable condition. The applicant should also be asked to do a desktop survey of the site in relation to the potential for site contamination by means of condition.

REPRESENTATIONS:

A total of 23 representations have been received, 22 raising the following objections with one letter of support.

Objections:

1. The development will overlook properties on Chestnut Drive.
2. The stream will become polluted.
3. Light pollution will be created.
4. Wildlife will be harmed including great crested newts, bats, owls and buzzards.
5. The drainage system will not be able to cope and has been subject to problems in the recent past.
6. Local infrastructure such as schools will not be able to accommodate demand.
7. Water run-off from the land cannot be accommodated by the existing stream which floods is fast flowing and dangerous to children.
8. Development should not be allowed to occur in the north west corner of the site as the land is steep and unstable.
9. A Severn Trent inspection pit at Bank House would need strengthening.
10. The development would be visually intrusive, much more so than Willow Meadow Farm.
11. Residents of Bank House would suffer from noise nuisance from new properties on the slope opposite.
12. More traffic would result and acoustic fencing is required for Bank House.
13. The combined impact of Willow Meadow Farm and this site could mean building work near Bank House going on for 9+ years.
14. The value of Bank House would be dramatically affected.

15. The site could remain partially complete if the economy suffers further problems.
16. Whilst the Estate may have the interests of the town at heart the development will be sold on to a housing developer.
17. The residents of Bank House would feel vulnerable and insecure.
18. We were assured that the Willow Meadow Farm decision would not set a precedent and this appears not to be the case.
19. Suggestions that economic benefits will accrue to the town are not certain as use of local workers cannot be guaranteed.
20. Good design needs enshrining in planning conditions.
21. The suggestion that affordable housing will result is questioned as the supply of such housing will vary. Schemes coming forward at the same time will outstrip demand which is created year on year.
22. Localism is being undermined by the National Planning Policy Framework and the sustainability of this development in terms of access to public transport and shops is questioned.
23. The current surge in house building is politically motivated and could result in lots of unwanted dwellings.
24. The applicants suggestion that the Council don't have agreement with neighbouring authorities to take houses ignores the fact that this sort of agreement takes time to put in place.
25. The highway network cannot take the development. At peak times Old Derby Road backs up with traffic down to Willow Meadow Road.
26. A further 400 vehicles will want to use this busy junction of Old Derby Road with Derby Road.
27. This junction is impossible to get out of when shifts change on the industrial estate.
28. The traffic problems identified will be further exacerbated by the 2 estates already granted permission which will use Old Derby Road and Springfield Avenue to access Derby Road as well.
29. The site was not prioritised by the Council in the Local Plan process.
30. The recent granting of permission at Willow Meadow Farm and Hillside Farm will have markedly improved the housing land supply and make it easier to defend rejection of this scheme.
31. Failure to reject this scheme will mean the Council will lose credibility with the local population in relation to planning housing.
32. The development of Ashbourne Airfield is preferable as it caters for a range of community needs including employment and recreation.
33. The provision of a further 200 houses will exacerbate congestion at the signal junction at the bottom of Derby Road where many school pupils cross at the pelican crossing.
34. The proposed houses will suffer significant noise nuisance from the adjacent A52.
35. Access into the town will be slower than from the Airfield because of difficulties in getting out of road junctions.
36. No on-site facilities are proposed in contrast with the Airfield which again highlights the sustainability benefits of the latter.
37. These are precious greenfields and their development would mean that the plan led system advocated in paragraph 17 of the NPPF has been completely undermined.
38. The application is premature and the amount of housing approved or proposed far outweighs the need in this small market town.
39. The site plan incorrectly identifies the site boundary.
40. The heavily trafficked A52 will become more congested.
41. The housing will be too close to dwellings at Hill Top Farm and Hill Top Barn.

42. No significant landscaping is proposed to soften the impact on Hill Top Farm and Hill Top Barn.
43. The development will harm abundant birdlife.
44. Further run-off into the stream could flood properties alongside the site and further downstream.
45. The Local Planning Authority should give significant weight to the emerging Local Plan in accordance with the NPPF which would suggest rejecting the scheme.
46. The applicants have made no attempt to involve or empower the local community contrary to advice in the NPPF.
47. The application is poorly presented, incomplete and lacks scale drawings all of which make it difficult for the public to get involved.
48. The public exhibition and consultation exercise carried out by Fisher German did not accord with The Localism Act.
49. Promises made in the application to improve biodiversity appear to be undermined by the Masterplan.
50. The Transport Assessment contains inaccuracies and does not properly quantify the impact of increased queuing at the junction of Old Derby Road and Derby Road.
51. In terms of visual impact something like 100 dwellings would be affected by a change in outlook and some would be significantly overlooked.
52. The landscape and visual impact assessment does not quantify the impact on residents of Old Derby Road some of whom have their primary aspect overlooking the site.
53. The noise survey suggests a 3m solid barrier be erected adjacent to the A52 to minimise noise levels in back gardens. The impact of this is not reflected in the LVIA and such a barrier would be intrusive and a deterrent to tourists.
54. The ecosystem of the stream along the north western boundary will be harmed.
55. Green fields should be protected from development.
56. The health infrastructure of the town is inadequate to cope with additional demand.
57. Properties of Willow Meadow Road will suffer from reduced daylight.
58. Houses on Hill Top view would be badly overlooked.
59. The layout proposed does not echo traditional Derbyshire settlement patterns.
60. To cope with additional traffic the junction of Springfield Avenue with Derby Road should be remodelled.
61. The safety of children will be put at risk by the increase in traffic flows.
62. Badgers are regularly seen on the fields and it would be a great shame if this habitat were lost.
63. There is no real case for this level of additional housing as there are not jobs to support them and further unsustainable commuting will result.
64. Making the town bigger could undermine local independent retailers with national chains drawn in which would consequently harm the character and appearance of the town centre.
65. The site is productive farming land and should be retained as such.
66. The suggested walking time to the town centre is misleading and has little regard to the hill on the way back.
67. Local bus services are unreliable, infrequent and oversubscribed questioning the sustainability suggested.
68. Developing the alternative site of Ashbourne Airfield will provide the much needed second access to this site relieving some existing traffic problems.
69. The development would adversely affect the countryside setting of the town.
70. Houses backing onto the development site would be devalued.
71. Adjoining houses overlooking the site would suffer significant harm to amenity from loss of view and sense of tranquillity.

72. The site has drainage problems and the drainage scheme should be designed and evaluated ahead of any decision.
73. Additional surface water into Spital Hill Brook will increase incidence of flooding on Clifton Road.
74. Whilst balancing ponds may cater for surface water they need to be maintained to fulfil their function.
75. The site to be developed is on top of a hill and readily visible from Swinscoe and Dovedale.

The letter supporting the applications makes the following points:-

1. The development for housing makes eminent sense as the site is of no practical use for other purposes.
2. Occupants will be in easy reach of town facilities.
3. Pre-school facilities are within walking distance as is the secondary school.
4. The site is an obvious choice for the future housing needs of Ashbourne.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
 - SF4: Development In The Countryside
 - SF5: Design And Appearance of Development
 - SF7: Waste Management And Recycling
 - H4: Housing Development Outside Settlement Framework Boundaries
 - H10: Affordable Housing Within The Settlement Framework Of Market Towns
 - H13: Affordable Housing Exceptional Sites In Rural Areas
 - NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
 - NBE6: Trees And Woodlands
 - NBE7: Features Important In The Landscape
 - NBE8: Landscape Character
 - NBE12: Foul Sewage
 - NBE16: Development Affecting A Listed Building
 - NBE24: Archaeological Sites And Heritage Features
 - NBE26: Landscape Design In Association With New Development
 - NBE27: Crime Prevention
 - TR1: Access Requirements And The Impact Of New Development
 - TR2: Travel Plans
 - CS8: Provision Of Community Infrastructure
 - L6: Outdoor Playing And Play Space In New Housing Developments
 - L9: Safeguarding Public Rights Of Way

2. Derbyshire Dales Local Plan : Pre-Submission Draft (June 2013)
 - Development Management Policy 2 – Development in the Countryside
 - Development Management Policy 6 – Landscape Character:
 - Development Management Policy 7 – Biodiversity and Geological Interests
 - Development Management Policy 8 – The Historic Environment
 - Development Management Policy 9 – Design and Appearance of Development
 - Development Management Policy 16 – Land for New Residential Development
 - Development Management Policy 17 – Affordable Housing
 - Development Management Policy 21 – Open Space
 - Development Management Policy 22 – Access and Parking
 - Development Management Policy 23 – Planning Obligations and Community Infrastructure Levy

3. National Planning Policy Framework (2012)
Paragraphs 12, 14, 47, 49, 50, 56, 73, 109, 118, 123, 129, 132, 134, 141, 144
Annex 1 Implementation paragraphs 210, 214, 215, 216

ISSUES:

Planning Policy Context

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

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan for the Derbyshire Dales comprises the Adopted Derbyshire Dales Local Plan (2005). The East Midlands Regional Plan was formally revoked on 12th April 2013 under the provisions of Section 109 of the Localism Act 2011 (SI 2013/629).

The Derbyshire Dales Local Plan was adopted in November 2005 and covered the period to 2011. In May 2008 the District Council requested that the Secretary of State issue a direction to save specified policies beyond 24th November 2008. On 20th November 2008 the Secretary of State issued a direction under paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004 saving the majority of policies in the Adopted Local Plan beyond the initial three years.

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

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

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

The Adopted Local Plan

Key to the consideration of any application for housing development in the countryside are Policies SF4 and H4 of the Local Plan. It was established at the Willow Meadow Farm Appeal that because these policies were written in the context of development being able to be accommodated within the existing Settlement Frameworks they have only limited relevance to the current situation. The Council have to provide additional land for housing in the context of National Guidance and the emerging Local Plan has been identifying

allocations outside Settlement Frameworks. Whilst Policy SF4 does perform a dual role in seeking to also protect the character and appearance of the countryside which is consistent with wider aims of the National Planning Policy Framework these key policies of the existing Local Plan can only be given very limited weight in the consideration of an application such as this which seeks to make a strategic contribution to meeting the housing needs of the district.

It has been accepted in considering previous planning applications such as Hillside Farm which were both greenfield and not draft housing allocations as part of the emerging Local Plan, that whilst other plan policies quoted in this report may have a relatively high degree of consistency with the National Planning Policy Framework and carry significant weight in decision-making Policies SF4 and H4, because of the arguments expressed above, cannot form a sound primary basis for assessing housing schemes beyond existing Settlement Framework boundaries on greenfield sites. The decision-maker has to revert back to paragraph 14 of the National Planning Policy Framework in particular and the other sections of the National Planning Policy Framework to assess if any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

The Emerging Local Plan

Paragraph 216 of the Framework allows decision-takers to also give weight to relevant policies in emerging plans according to:-

- The stage of preparation (the more advanced the more weight)
- The extent to which there are unresolved objections (the less significant the unresolved objections the greater the weight)
- The degree of consistency of relevant policies in the emerging plan to policies in the Framework. The greater the degree of consistency the greater the weight.

The emerging Derbyshire Dales Local Plan has been published as a pre-submission draft in 2013 and it is anticipated that it will be submitted to the Secretary of State in April 2014 with the examination in public anticipated for summer 2014. Whilst the emerging Local Plan contains a number of allocations, as they are subject to significant objections, there is no certainty that they will survive the examination in public process and the existence of these alternative sites as preferred options would not be a sound basis to reject this scheme.

The wider policies of the emerging plan can be given some weight in the determination of this application as they are generally highly consistent with the National Planning Policy Framework.

The Housing Land Supply

One of the primary objectives of the National Planning Policy Framework is to 'significantly boost the supply of housing land'. In this regard there is a specific requirement to update annually a supply of specific deliverable sites sufficient to provide for 5 years worth of housing land against the housing requirement for the area with an additional buffer of 5% to ensure choice and competition in the market.

In order to assess whether a five year supply can be demonstrated, it is necessary to firstly consider the most appropriate housing requirement for the plan period.

As part of the process of preparing the emerging Local Plan the Council recently commissioned further work to assess the scale of objectively assessed need. As a result of this work being undertaken it has been resolved to go forward to the examination in public on the basis of the figure previously identified of accommodating 4,400 dwellings within the plan period. Whilst this may be at variance with the objectively assessed needs the acceptability or not of this figure is logically a matter to be resolved through debate and analysis at the EIP into the Local Plan rather than assessed through the consideration of an individual application.

Working with this figure and based upon latest available net additional dwelling commitments up until 30th November 2013, the five year housing supply situation can be summarised in tabular form as follows:-

Five Year Supply 2013 - 2018	
Overall Requirement 2006-2028	4400
Completions 2006-2013	1258
Peak District National Park Completions 2006-2013 (Actual)	317
Total Completions 2006-2013	1575
Residual Requirement	2825
No Years in Plan Period	14.33
Five Year Supply Requirement 2013-2018 (including 5% buffer)	1035
Sites Under Construction at 31 st March 2013 (Net)	162
Sites Not Commenced (Net)	739
Derbyshire Dales Total Supply 2013-2018	901
Peak District National Park Contribution (5 x annual rate of 30)	150
Five Year Supply 2013-2018	1051
Five Year Supply 2013-2018 (including 5% buffer)	101.55%

Five Year Supply at 30th November 2013

This data now demonstrates a five year supply plus 5% of 101.55% a situation that has moved on since earlier applications were considered and approved.

It is also pertinent to consider how resolutions to grant permission for developments will further boost the supply situation over and above that now verified for the end of November 2013.

Since 30th November the Council have resolved to grant 190 dwellings at Hillside Farm, 65 dwellings at Bentley Bridge Matlock and 25 dwellings at Moorcroft Matlock. Of these Hillside Farm and Moorcroft decisions have been issued and Bentley Bridge is finalising its legal agreement. It is considered legitimate to take these schemes into account in any reasoned assessment of the 5 year supply situation. If these further 280 dwellings are factored into the supply side the five year supply would stand at 129% (including 5% buffer).

In addition to schemes which have been granted recently it is also relevant to some degree to have regard to other schemes where planning applications have been submitted. Whilst a mixed scheme at Ashbourne Airfield is only in the early stages of consideration the submission of the application provides some validity to the Council's approach of identifying this as the major housing release for the town deliverable within a reasonable timescale.

Summary

In the absence of an up-to-date Local Plan the consideration of an application such as this is still heavily dependent upon interpretation against the National Planning Policy Framework. As explained above Policies SF4 and H4 have only limited relevance in a context of having to make major land releases outside Settlement Frameworks to meet identified housing needs. In addition, the emerging plan policies have only limited weight ahead of their consideration at the EIP. The crux of the analysis in this context of the scheme has to be against paragraph 14 of the emerging National Planning Policy Framework and it is worth restating at this point what it says in asserting the presumption in favour of sustainable development which for decision-takers means:-

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

In assessing the scheme against the above test it is considered relevant to both weigh the benefits of release of the site for housing and also weigh the harm that would result and conflict with elements of the Development Plan and National Planning Policy Framework before reaching a balanced judgement.

To aid this assessment of the scheme the remainder of the Issues Section is set out as following before returning to the planning balance at the end of this report.

- (i) The impact of development on the character and appearance of the landscape
- (ii) The sustainability of housing in this locality and provision of affordable housing
- (iii) The impact on archaeology
- (iv) Impact on the setting of listed buildings
- (v) Highway / pedestrian safety
- (vi) Provision of infrastructure through developer contributions
- (vii) Open Space
- (viii) Impact on flora and fauna
- (ix) Impact on amenity of adjoining residents
- (x) Amenity of future residents in relation to noise and pollution
- (xi) Drainage

(i) The Impact of Development on the Character and Appearance of the Landscape

As already described the site is open farmland which immediately adjoins the south east corner of the town between it and the bypass. The northern portion of the site is relatively gently sloping near Old Derby Road but beyond this the site slopes down from south east to north west and also down from north east to south west. The site is overlooked from numerous dwellings to the north west, can be viewed from higher ground to the south west and there are views into the site from Old Derby Road. The site is relatively well contained by planting alongside the bypass.

Whilst this south eastern portion of Ashbourne has been subject to successive periods of suburban expansion over the years the existing stream which follows a shallow valley and associated line of vegetation appear as a currently logical boundary to the town and afford it an attractive countryside setting.

Extending the town as proposed further in this direction, will it is considered, be harmful to landscape character and appearance. Whilst properties on the northern portion of the site might be relatively visually contained those spilling down the site in a south westerly direction would be conspicuous in the wider landscape and open to view from the higher ground to the south west. Although some mitigation of these effects may be feasible residents of the existing housing to the west would experience harm to their current outlook and the enjoyment of the public footpath would be diminished. It is considered in the round that this residential encroachment into open countryside beyond logical topographical boundaries and out to the manmade barrier of the bypass would be a significant adverse impact of the development to be weighed in the planning balance. Conflict will result with Policies SF4 and NBE8 of the Local Plan, Development Management Policies 2 and 6 of the emerging Local Plan and the aims of paragraphs 17 and 109 of the National Planning Policy Framework.

(ii) The Sustainability of Housing in this Locality and Provision of Affordable Housing

The development of greenfields outside the Settlement Boundary is to a degree unsustainable but this has to be judged in the wider context of the need to provide an adequate supply of housing to meet the future needs of the town. Notwithstanding this it is logical to assess how a development of this site could assimilate with the existing built framework.

The site is relatively well connected to public transport at its northern end but pedestrian journeys to reach facilities will be relatively long and arduous. The site is connected into the footpath network and this link could be improved on the back of a scheme. In addition, the comments of the Highway Authority indicate the options to create both a greenway in the site and to connect to the greenway to the south.

Whilst the public comments on sustainability are noted these could logically be applied to most sites considered for the expansion of the town. Provided opportunities are taken to enhance footpaths and greenways it is not considered that the development is so inherently unsustainable in terms of accessibility to the towns facilities as to warrant rejection on this ground.

In terms of affordable housing the Council have sought 45% affordable housing on major housing land releases in line with existing and emerging plan policies. Such provision will allow for balanced future growth by ensuring access to housing for all. Whilst the applicants submission is not specific on what is to be provided they have agreed verbally to meet the terms of the policy either by on-site or off-site provision or a combination of both. The Council's affordable housing policies are satisfied.

(iii) The Impact on Archaeology

The Development Control Archaeologist has evaluated the application site for archaeological interests. Whilst there are no records of scheduled monuments or other archaeological interest within the site the wider locality has considerable interest.

In this regard and bearing in mind the size of the application site it is recognised good practice, reinforced by Paragraph 128 of the National Planning Policy Framework, to do a desk based study reinforced by walkover and geophysical survey in order to establish the potential for archaeological remains. Without this initial level of survey the applicants have failed to establish if there is any significant heritage interest which needs to be taken into account in formulating the site layout.

In the absence of this evaluation the proposal is contrary to Policy NBE24 of the Local Plan, Development Management Policy 8 of the emerging Local Plan and guidance in the National Planning Policy Framework.

(iv) Impact on Setting of Listed Buildings

The Old Toll House is Grade II Listed and adjoins the site immediately to the south east. Development adjoining the garden of a listed building clearly has the potential to impact upon its setting. The policies of the Local Plan, Emerging Plan and National Planning Policy Framework seek to safeguard that setting from adverse impact. The context of The Old Toll House has been carefully assessed. Whilst there are views across the application site, the house was not designed or positioned to take advantage of or dominate those views. It is a relatively modest property with a close relationship with Old Derby Road / Derby Road and whilst its garden is important to its setting wider views in or out are not key. It should be possible in designing a layout to safeguard the setting of this dwelling and amenity of its occupants.

(v) Highway / Pedestrian Safety

This is a substantial residential development which obviously has the potential to significantly add to traffic and congestion on the local road network. In this context it is not surprising that the local population are concerned about increased queuing at junctions and the potential knock on effect on pedestrian safety. Notwithstanding this the Highway Authority have thoroughly appraised the applicants submission. They are satisfied that the only junction that has capacity problems as a result is the signal junction at the bottom of Derby Road hill. As the applicants are prepared to improve this junction and this can be reasonably conditioned in the absence of any overriding objection from the Local Highway Authority there is no sound basis for rejecting this scheme on highway grounds.

(vi) Provision of Infrastructure Through Developer Contributions

The County Council are a key strategic consultee on applications of this scale. They have in their consultation response identified school and other contributions necessary to allow the town to absorb the additional demands placed on its infrastructure and to help the development assimilate and maximise its sustainability. The applicants have indicated a willingness to meet these contributions and, whilst it is recognised that these do not cover all the issues raised by the public in relation to meeting identified infrastructure costs, the development is considered acceptable.

(vii) Open Space Provision

The application is in outline with only the point of access applied for. There is a requirement under Local Plan Policy L6 to make appropriate provision for open space and play areas within developments of this scale. Whilst the applicants have submitted an illustrative Masterplan it is rather vague on how open space is to be provided. There is a linear green space shown down the route of the brook and the route of the footpath is protected. In addition, green space is shown around

balancing ponds at the south western corner. Whilst these could contribute to open space it will be necessary to provide substantial useable green areas for recreation. Whilst these are not shown, the provision of up to 200 houses on a 9.9 hectare site is at a density that should provide plenty of scope for open space and this could reasonably be conditioned.

(viii) Impact on Flora and Fauna

The site is fairly typical of agricultural grazing land within this part of the district. The main interest in terms of ecology and habitat for animals is centred around the stream, hedgerows and the trees. Whilst some residents have suggested badgers moving across the site and interesting bird life the applicants have carried out the appropriate ecological appraisal. This recognises the main assets as above and suggests some potential for bat activity across the site. It is recommended that trees and hedgerows are retained where possible and further native planting carried out.

It should be feasible in carrying out any development on this site to retain all the mature trees and at least some of the hedgerows. If this is combined with a green corridor down the stream, balancing ponds and further native planting, it is not considered that any significant harm to flora or fauna will result.

(ix) Impact on Amenity of Adjoining Residents

Concerns have been expressed regarding the potential for overlooking, visual domination and creating noise nuisance for adjoining properties. Whilst these concerns are understandable, particularly where residents currently look out onto open fields in carrying out development on this site, it is considered both logical and inevitable that a green buffer would be located along the stream such that no new dwelling would overlook or dominate an existing dwelling at close quarters.

Residents close to the development to the east have also expressed concern but again it is considered that a detailed layout could adequately safeguard their amenity.

Noise from the development site may result particularly in the south western portion where new houses will be on an opposing hillside. However, subject to appropriate design detailing this should be well within reasonable and tolerable limits.

The biggest impact that neighbours will feel is an adverse impact on their outlook but this can only reasonably be assessed in terms of them as visual receptors under the landscape assessment.

(x) Amenity of Future Residents in Relation to Noise and Pollution

The application is accompanied by an Air Quality Assessment and Ambient Noise Survey. These documents have been assessed by the Council's Environmental Health team. The potential for both impacts arises from the proximity to the A52.

In relation to noise it is concluded that noise levels are within tolerable limits for both day time and night time noise. It is suggested it would be beneficial to reduce this noise level by 10dB with an acoustic barrier by provision of a wall or fence in line of sight to the A52 to minimise noise to gardens. It should be possible to further screen and attenuate within the body of the site to further reduce noise levels without adverse visual impacts.

The air quality assessment undertaken on the site does not suggest any constraint to development or significant impacts resulting from the development.

(xi) Drainage

The public have raised concerns in relation to the capacity of the sewerage network and the potential for flooding on the site and downstream.

Whilst provision of adequate sewerage can be a legitimate planning concern on a site of this scale, generating significant financial returns it is not anticipated that problems will result as any existing inadequate infrastructure would be upgraded to meet this significant additional demand.

In relation to surface water drainage and flooding the applicants are intending to follow SUDS principles and the illustrative layout plan shows balancing ponds at the bottom of the site to control surface water run-off from the site into the adjoining stream and beyond. Whilst the Flood Risk Assessment lacked an assessment of the flood risk from the brook, the Environment Agency, because of the outline nature of the application and size of the site, were prepared to cover this point by condition. It is fair to say that on a site of this scale attenuation or compensatory flood areas should be relatively easy to incorporate into a layout which will require significant open space areas in any event. There is no overriding drainage issue with this site that could not be reasonably addressed.

Conclusion

In reaching a judgement on the merits of any planning application the decision-maker must determine the application in accordance with the Development Plan unless material considerations indicate otherwise. That decision-making balancing exercise is made at the specific moment that a decision is made on a particular application. At the present time, the Council, like many others, finds itself in a situation whereby the policies of the National Planning Policy Framework are overriding some of the policies in the adopted Local Plan prior to the adoption of a replacement.

In the process, little or no weight is being afforded to emerging Development Plan policy particularly where such policies are subject to outstanding objections.

The appeal decision on Willow Meadow Farm and others around the country have demonstrated the significance of Paragraph 14 of the National Planning Policy Framework, that is where a Development Plan is absent, silent or where relevant policies are out-of-date, there is a presumption in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Whilst it is entirely understandable that the public may be both dismayed and confused by the impact of the National Planning Policy Framework on development control decisions that have implications for the Local Plan process it is incumbent on the decision-maker to make a decision on this application taking account of all circumstances at this moment in time and weighing them in the planning balance.

In this regard the improved 5 year housing land supply situation is a key change that has occurred since earlier decisions were made on Willow Meadow Farm and Hillside Farm. The Council have a demonstrable 5 year supply plus 5% which has now been revealed by the detailed analysis of the housing figures up to 30th November 2013. Whilst this is a

modest surplus, when decisions and resolutions reached on applications since that date are factored in, the projected supply equates to 129% of a 5 year + 5% scenario.

It is also entirely possible that this supply side could be further boosted by applications in the system in the near future. This will serve to further reinforce the Councils compliance in fulfilling the aims of paragraph 47 of the National Planning Policy Framework by boosting significantly the supply of housing.

Whilst having a 5 year supply is not a reason in itself to reject otherwise acceptable development that is sustainable, is considered, something that should be given weight in resisting unwarranted development with significant adverse environmental consequences. In this instance one of the potential adverse consequences of allowing this development is frustrating the objectives of the emerging Local Plan. The Council have through the emerging Local Plan sought to promote Ashbourne Airfield as a mixed development which can help to promote sustainable growth and deliver a range of planning benefits. This scheme which incorporates substantial housing numbers could have its viability undermined by further greenfield permissions fully satisfying local demand.

A more direct adverse impact of this development which it is considered should be given significant weight in the planning balance is the harm that will result to the character and appearance of the countryside and the setting of the town from unwarranted residential encroachment onto these open fields beyond the current logical topographical boundary of the stream. Such harm, in the current scenario of the Council being able to demonstrate a very healthy 5 year supply, is not outweighed by the benefits of delivering further housing and is contrary to the wider aims of the Framework as a whole where protection of the countryside for its own sake is recognised.

The application has also failed to adequately address the potential for archaeological interest on the site but this is an issue that may feasibly be addressed by the applicant.

In the final balance the adverse impacts to the character and appearance of the countryside which will result from the encroachment of this development in the current context of the Council being able to demonstrate a healthy 5 year supply of housing are considered to significantly and demonstrably outweigh its benefits of further boosting housing supply when assessed against the policies of the Framework as a whole.

OFFICER RECOMMENDATION:

Refuse planning permission.

1. The proposal entails the development of a greenfield site for housing located outside of the Settlement Framework boundary of Ashbourne as defined in the Adopted Derbyshire Dales Local Plan (2005). The development of these greenfields which will be inherently encroaching and harmful to landscape character and appearance is considered unwarranted and unsustainable in the context of the Council being able to demonstrate a housing land supply comfortably in excess of the requirements of the National Planning Policy Framework. The development as such is considered contrary to Policies NBE8 and SF4 of the Local Plan, Development Management Policies 2 and 6 of the Pre Submission Draft Derbyshire Dales Local Plan and guidance in the National Planning Policy Framework taken as a whole.
2. The site is of significant scale and lies within a location of known archaeological interest. The application is not accompanied by any survey information or analysis to

allow an evaluation of the presence or absence of important archaeology. Without such an analysis the applicants have failed to demonstrate that the development will adequately safeguard archaeology. The absence of adequate survey and analysis in this context means that the development conflicts with Policy NBE24 of the Adopted Derbyshire Dales Local Plan, Development Management Policy 8 of the Pre Submission Draft Derbyshire Dales Local Plan and Paragraph 128 of the National Planning Policy Framework.

NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 25th MARCH, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for February 2014

APPLICATIONS TO CARRY OUT WORKS TO PRESERVED TREES:

TPO NO.	ADDRESS/APPLICATION	DECISION/COMMENT
107	46 PREMIER AVENUE, ASHBOURNE CROWN LIFTING OF ASH Reasons: Excessive shading To grow organic vegetables Risk of dead branches falling	PENDING DECISION
123	3 CATHERINE COURT, ASHBOURNE CROWN REDUCTION OF 3 LIMES Reasons: Overpowering the garden of the neighbouring property Dropping branches	PENDING DECISION
107	3 FORSHAW CLOSE/6 HAMBLETON CLOSE, ASHBOURNE PRUNING OF OAK Reasons: To crown lift and balance the crown	PENDING DECISION
36	LAND TO THE EAST OF KILN CROFT HOUSE, WEST END, BRASSINGTON POLLARDING OF LIME Reasons: Extensive decay in upper crown	PENDING DECISION

NOTIFICATIONS OF INTENTION TO CARRY OUT WORKS TO TREES IN CONSERVATION AREAS:

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
BRASSINGTON	JACKDAW COTTAGE, BOWLING GREEN, BRASSINGTON FELLING OF SPRUCE Reasons: Low amenity value Excessive size in exposed location Potential threat to property or neighbouring property	NO OBJECTIONS
OSMASTON	STAGSFELL HOUSE, MOOR LANE, OSMASTON FELLING OF ASH Reasons: Included fork Risk of failure of leaning limb	NO OBJECTIONS

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
KIRK IRETON	THE OLD COTTAGE, MAIN STREET, KIRK IRETON FELLING & PRUNING OF TREES Reasons: Recently died Over tall for garden To allow access for mowing Unsightly In accordance with good horticultural practice Over-mature & badly neglected Cracking neighbouring outbuilding Leans over boundary Inappropriate species for a garden Base of trunk rotten	PENDING DECISION
OSMASTON	CROFT HOUSE, MOOR LANE, OSMASTON FELLING OF CYPRESS Reasons: Non-native species Too close to house Fear of subsidence or possible drainage issues	PENDING DECISION
LONGFORD	MILLBROOK, MAIN STREET, LONGFORD FELLING OF CHERRY Reasons: Touching the house Risk of leaves blocking drains Roots around drain	PENDING DECISION
SHIRLEY	THE OLD RECTORY BARN, DERBY ROAD, SHIRLEY FELLING OF WELLINGTONIA Reasons: Outgrown location Leaning Damaged brick retaining wall	PENDING DECISION
ASHBOURNE	DOVE HOUSE RESIDENTIAL HOME, 1 DOVE HOUSE GREEN, ASHBOURNE FELLING OF TREES Reasons: Not given	PENDING DECISION

OFFICER RECOMMENDATION: That the report be noted.

NOT CONFIDENTIAL - For public release

SOUTHERN AREA PLANNING COMMITTEE – 25 March 2014

PLANNING APPEAL - PROGRESS REPORT

Report of the Director of Planning & Housing Services

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
ENF/11/00037	Hillside Lodge Farm, Kirk Ireton	IH	Appeal being processed
13/00255/OUT	Hillside Farm, Wyaston Road, Ashbourne	LI	Appeal being processed
12/00741/FUL	Land South of Glebe Farm, Commonsides, Brailsford	WR	Appeal being processed
13/00093/FUL	Land at Wash Hills, Town Street, Brassington	IH	Appeal being processed
13/00161/LBALT	Ednaston Home Farm, Brailsford	WR	Appeal being processed
13/00417/FUL	Spring Cottage, Rodsley	WR	Appeal being processed
13/00733/FUL	Copley Cottage, Ashbourne Green	HH	Appeal being processed
13/00782/FUL	Cross Ways, Hulland Ward	HH	Appeal being processed
13/000797/FUL	Land between Bankside and Belle Vue Road, Ashbourne	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.