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31 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 meeting on **Tuesday 8 April 2014 at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG (MAP ATTACHED). PLEASE NOTE CHANGE OF VENUE.**

Yours sincerely

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

Sandra Lamb  
Head of Corporate Services

## **AGENDA**

**SITE VISITS** The Committee is advised a coach will leave the **ASHBOURNE ELIM PENTECOSTAL CHURCH** at **3.45pm prompt - MEMBERS PLEASE ASSEMBLE IN THE FOYER**. A schedule detailing the sites to be visited is attached to the agenda.

### **1. APOLOGIES/SUBSTITUTES**

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

### **2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

25 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.

- |            |  |                |
|------------|--|----------------|
| <b>4.1</b> | <b>Application No. 14/00067/FUL (Site Visit)</b>   | <b>5 - 8</b>   |
|            | Single storey rear extension at 69 Sudbury Park, Sudbury.  |                |
| <b>4.2</b> | <b>Application No. 13/00818/FUL (Site Visit)</b>   | <b>9 - 22</b>  |
|            | Erection of 50KW wind turbine (29.5 metres to hub and 40 metres to blade tip) Bradley Nook Farm, Hulland Ward.   |                |
| <b>4.3</b> | <b>Application No. 13/00854/REM</b>  | <b>23 - 39</b> |
|            | Erection of 37 No. dwellings and associated public open space and infrastructure (approval of reserved matters) at land off Lodge Farm Chase, Ashbourne. |                |
| <b>5.</b>  | <b>TREES PROGRESS REPORT – DDDC APPLICATIONS</b>   | <b>40 - 42</b> |
|            | To note a report on action taken in respect of trees in Conservation Areas and Tree Preservation Orders.   |                |

#### 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](mailto: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 ELIM PENTECOSTAL CHURCH** at **3.45pm prompt** for the following site visits. **NB: MEMBERS TO ASSEMBLE IN THE FOYER.**

**4.05pm Application No. 14/00067/FUL 5 - 8**

### **69 Sudbury Park, Sudbury**

Requested by officers to enable members of the Planning Committee to assess the impact of the development on the residential amenity of the occupants of the adjoining property.

**4.40pm Application No. 13/00818/FUL 9 - 22**

### **Bradley Nook Farm, Hulland Ward**

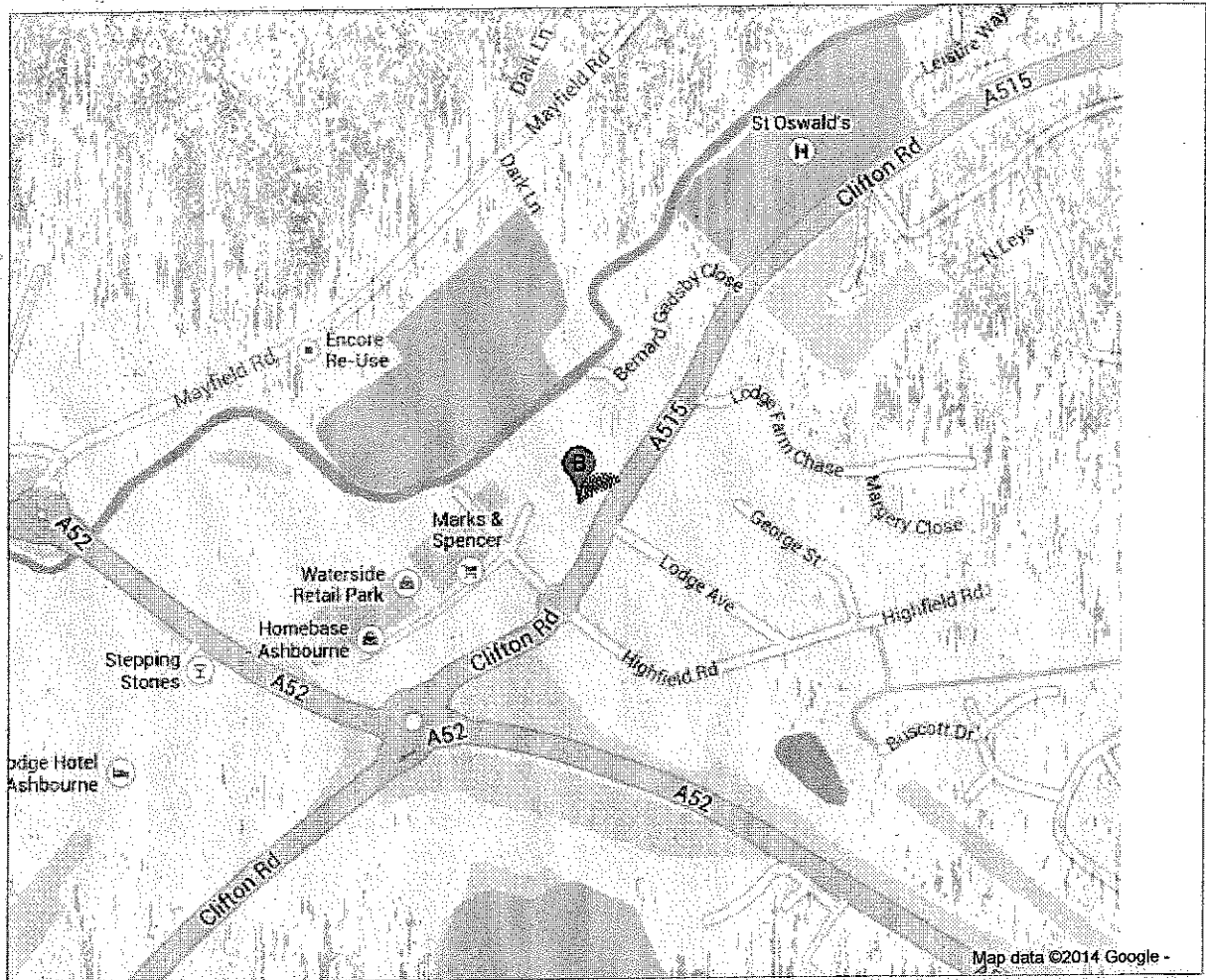
Requested by the ward member to enable members of the Planning Committee to assess the impact of the development on its surroundings and to fully appreciate the issues involved.

**5.20pm Return to Ashbourne Elim Pentecostal Church**

## COMMITTEE SITE MEETING PROCEDURE

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

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

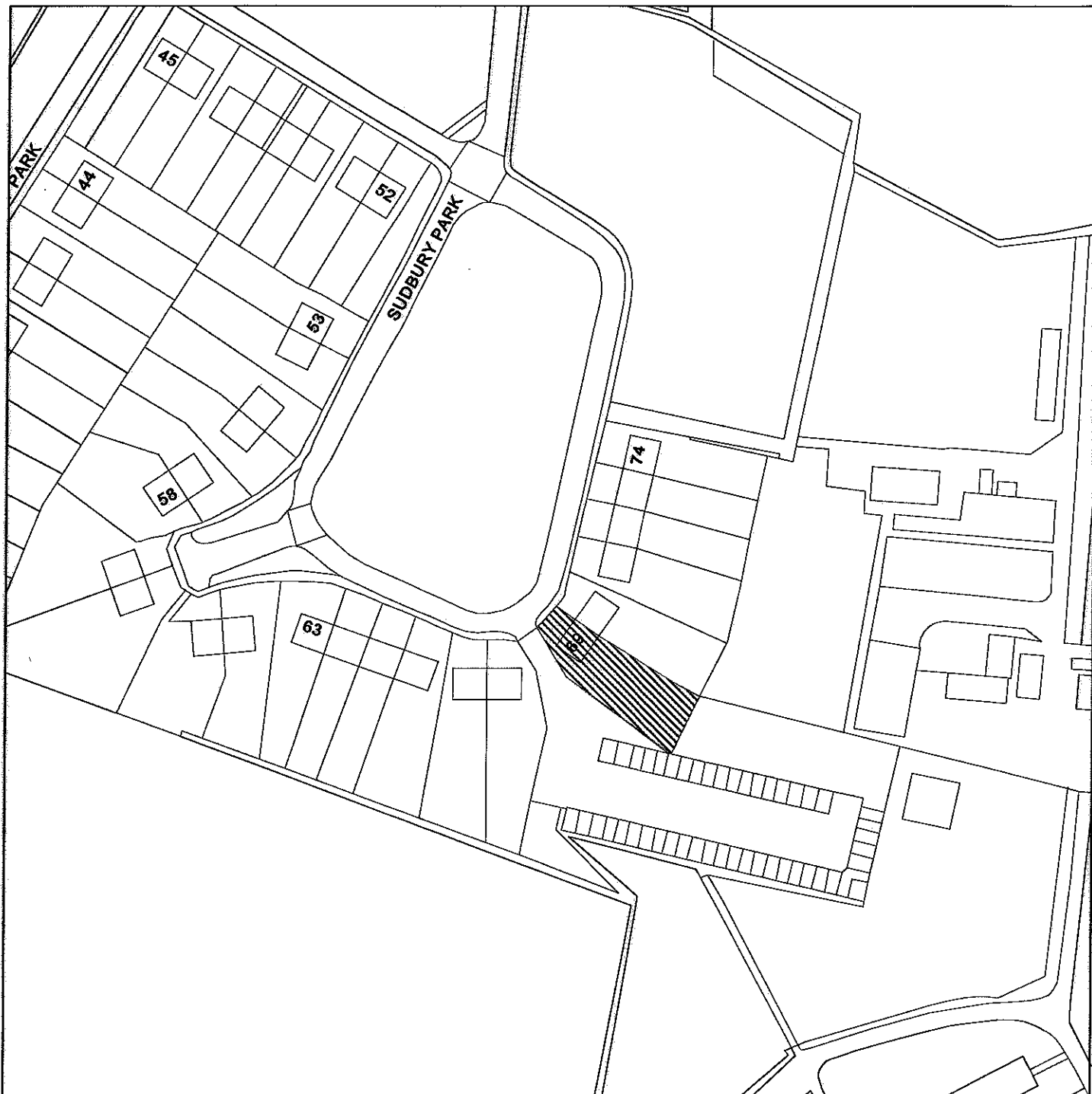


B: Ashbourne Elim Pentecostal Church, The Waterside Centre,  
Waterside Business Park, Waterside Road, Ashbourne,  
Derbyshire DE6 1DG Tel: 01335 344338

[www.elimchurchashbourne.co.uk](http://www.elimchurchashbourne.co.uk)

**14/00067/FUL**

**69 Sudbury Park, Sudbury**



**Scale : 1:1250**

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

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	27 March 2014
<b>Licence No.</b>	100019785

**14/00067/FUL SINGLE STOREY REAR EXTENSION AT 69 SUDBURY PARK,  
SUDBURY FOR MR WAKEFIELD**

Parish Council: Sudbury  
Application type: Full

Date of receipt: 10.02.14  
Case Officer: Mr C. Whitmore

**THE SITE AND SURROUNDINGS:**

No. 69 Sudbury Park is situated on the Sudbury Park Estate which was built to accommodate staff at Sudbury Open Prison, which is located to the south east of the application property. The estate comprises a series of semi-detached and terraced properties of uniform character and appearance set around a large green. The application property relates to a two storey semi-detached dwellinghouse at the south east corner of the estate. The property is orientated so that its rear elevation faces south east. There is a conservatory extension to the rear of the adjoining semi, which sits close to a wall on the common boundary.

**THE APPLICATION:**

Planning permission is sought to erect a single storey extension with a dual pitched roof at the rear of the application property to accommodate a new kitchen. The extension will project 5.4m from the rear wall of the original dwellinghouse and will sit approximately 0.15m in from the common boundary with the adjoining semi (no. 70). It will be 4.4m wide, 2.3m high to eaves and 3.6m high to ridge. Patio doors, a window and three rooflights are shown in the south west elevation of the extension and 2 no. windows in the gable end, facing south east. The north east facing elevation of the extension will be blank.

The walls of the extension will be faced in red brick and the roof in interlocking concrete tiles to match the main dwellinghouse.

**RELEVANT HISTORY:**

13/00716/PDE	Householder Extensions - Single storey rear extension projecting 6 metres, 3.7 metres maximum height and 2.2 metres high to eaves (the actual height to eaves was, however, 2.7m)	Refused
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**CONSULTATIONS:**

Local Highway Authority:  
No objections to ancillary accommodation.

Parish Council:  
No comments received.

**REPRESENTATIONS:**

A letter of objection has been received from the occupier of the adjoining semi. The neighbour raises issue with the length of the extension, its proximity to the party garden wall and its height. It is considered that the position, length and height of the extension would result in a loss of light to / overshadow their main living areas and garden would appear overbearing. They make the point that the rear garden slopes away and that the greater the projection from the rear wall the greater the impact will be on their amenity. Reference is made to the conservatory windows and lounge being fully shaded by the sun in the mornings.

**POLICIES:**

Adopted Derbyshire Dales Local Plan (2005)  
SF4 Development within the countryside

## 14/00067/FUL (Continued)

SF5 Design and Appearance of Development  
H2 Extensions to Dwellings

Derbyshire Dales Local Plan Pre-Submission Draft (June 2013)  
Development Management Policy 2 – Development in the Countryside  
Development Management Policy 9 – Design and Appearance of Development

Other:

The National Planning Policy Framework (2012)

### ISSUES:

1. Policy H2 of the Adopted Derbyshire Dales Local Plan (2005) sets out the District Councils approach to dealing with extensions to existing dwellings and states that planning permission will only be granted for such development that does not have a detrimental impact on the character and appearance of an existing dwelling and the privacy and amenity of the occupants of neighbouring residential properties.
2. The main issue to assess in the consideration of this application is the impact of the proposed extension on the amenity of the occupants of the adjoining semi. Its simple form and appearance is such that it would not have a detrimental impact on the character and appearance of the existing dwellinghouse. The extension would read as a subservient addition to, and would be faced in materials to match the existing building.
3. It will be noted in the relevant history section of this report that the prior approval for a larger householder extension was refused in November 2013 under application code ref. 13/00716/PDE for the following reason:

*The siting of the proposed extension, its relative height to eaves and projection from the original rear wall is such that it would have an overbearing impact on the adjoining property, particularly when appreciated from the ground floor windows and conservatory / yard area of that property. In addition, the position of the extension in relation to the adjoining property and its orientation is such that it would have a significant overshadowing impact, detrimental to the residential amenity of its occupants.*

The above application sought permission for an extension in a similar position to that which is now being proposed. It, however, projected 6m beyond the rear wall of the original dwellinghouse and was 2.7m high to eaves.

4. Following refusal of the above application, the applicant has reduced the height of the extension and its projection from the rear wall. Although long, at 5.4m, the height of the proposed extension to eaves would only marginally exceed the height of a means of enclosure that could be erected on the boundary with the adjoining property. Its roof is orientated so that the north east facing roof plane falls away towards the boundary, reducing its impact. Whilst it is acknowledged that the position and height of the extension will result in some overshadowing of the neighbours rear garden and conservatory it is not considered that the occupants residential amenity would be so severely affected that a recommendation of refusal would be merited.

## 14/00067/FUL (Continued)

The position and relative height of the extension to eaves and ridge is such that it would not appear overly overbearing and the position of windows and doors would not result in any loss of privacy.

5. Taking the above into consideration it is considered that the proposed extension would satisfy the requirements of Policy H2 of the Adopted Derbyshire Dales Local Plan (2005). A recommendation of approval is put forward on this basis.

### **OFFICER RECOMMENDATION:**

Planning Permission to be granted subject to the following conditions:

1. ST02a: Time Limit On Full.
2. DM13: Materials to Match Existing Building

Reasons:

1. ST02a.
2. DM13: ...the aims of Policies H2 and SF5 of the Adopted Derbyshire Dales Local Plan (2005).

Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any problems with the application and consent was granted without negotiation.

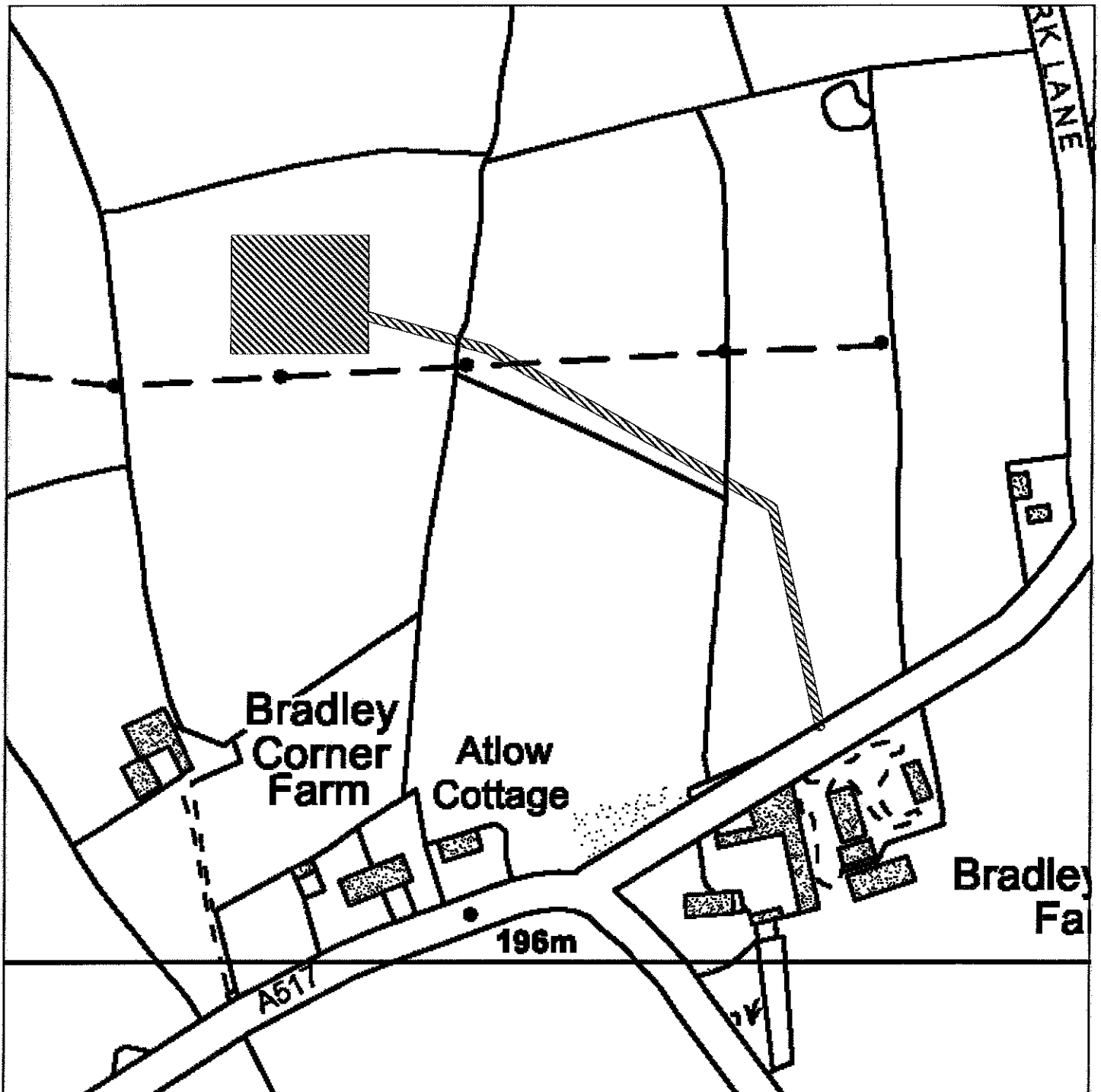
This Decision Notice relates to the following documents:

1:1250 and 1:500 Scale Site Location and Block Plan numbered 1066 SP 001;  
1:50 Scale Existing and Proposed Ground Floor Layout Plan numbered 1066 SP 002, and;  
1:100 Scale Existing and Proposed Elevations Plan numbered 1066 SP 002 received by the District Council on the 10<sup>th</sup> February 2014.



13/00818/FUL

Bradley Nook Farm, Hulland Ward



Scale : 1:2500

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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	27 March 2014
Licence No.	100019785

**13/00818/FUL      ERECTION OF 50 KW WIND TURBINE (29.5 METRES TO HUB  
AND 40 METRES TO BLADE TIP) BRADLEY NOOK FARM  
HULLAND WARD FOR MR E WILDE**

Parish Council:      Bradley  
Application type:    Full

Date of receipt: 22.11.2013  
Case Officer: Mr W Shaw

**THE SITE AND SURROUNDINGS:**

The application concerns a site in open countryside, part of a field which is located to the northwest of the applicant's farm buildings off Gorse Lane, near to the A517 junction. Access is across part of a long narrow field, through a second field and into another descending field enclosed by hedgerows, with hedgerow trees. Twin high level power cables cross over the field close to where the turbine is to be located. Overall, the route to the proposed development measures around 300m from the farm complex.

The proposed turbine will be immediately to the north of Bradley Corner Farm, with the closest third party buildings some 200m away. Several dwellings are located close to this farm along the A517. With regard to settlements the village of Bradley is some 1600m to the southwest. Atlow is around 1000m to the north and Hulland village further away to the southeast. The nearest public footpaths include ones associated with Ridge Lane to the north, between the site and the Henmore Brook and to the west, between the site and a dwelling on the A517, named 'Redlands'

The site is located within the settled plateau farmlands landscape type of the Needwood and South Derbyshire Claylands landscape character area. 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.

There are no listed buildings close to the site, the nearest being at Hulland village, with rolling landscape in between. There is also a Conservation Area and a scheduled ancient monument at this settlement that are also beyond any directly influencing proximity to the proposed development.

**THE APPLICATION:**

Full planning permission is sought for the erection of a 50kW triple bladed wind turbine with a hub height of 29.5m and overall vertical blade tip height of 40m. As such, each blade will be just under 10m in length. The turbines tower will be a galvanised grey steel monopole; an underground power cable will run along the line of the proposed access and during construction a temporary metal access track will be put down from the highway, if required. Once built, the track will be removed and the land around the turbine will continue to be used as improved grassland for grazing and forage.

A supporting Design and Access statement advises that the farming operation extends to approximately 174 acres, based on beef production. The proposed turbine will produce electricity significantly more cheaply than the current cost of procurement reducing the farms running costs. By producing renewable energy this protects the enterprise from expected significant future increases in energy prices. The development will be in line with the UK target aim of 15% of energy being produced from renewable sources by 2020. Using a wind speed average of 6.5 m/s, the predicted electricity generation is in excess of 150,000 kWh per year.

The application includes technical information with a summary of acoustic measurements for the turbine, which is stated to be a C and F Green Energy 50 kW (CF50) model. The predicted sound output should be 35dBA or lower at a distance of 100m, assuming a wind speed of 6m/s. As the nearest residential property is well in excess of this distance away from the proposed turbine, noise pollution/disturbance should not be an issue. Alternative locations were considered, closer to the farm house and buildings, specifically to the south of the buildings and existing ground-mounted solar panel equipment. However, these sites were discounted due to visual impact, not least to the occupiers of property to the northeast of the farm on Gorse Lane, which would overlook a turbine. Similarly, another site in the field adjacent to the farm was discounted due to likely impact on the users of the A517 in particularly those travelling west from Hulland Ward toward Ashbourne. The proposed location will ensure a good supply of turbulence free wind from the southwest, with wind speed well above average, with a predicted 6.5 m/s at a height of 25m. A low start-up wind requirement of only 2.2 m/s makes the proposed location ideally suited.

No impacts on protected species are envisaged as is concluded in a Bat and Bird Ecological Appraisal. The turbine will be more than 50m from habitats used by common bat species for commuting and foraging. The surrounding field network provides abundant alternative foraging and commuting routes for Noctule and Leisler's Bat, negating the need for mitigation for these species.

The appraisal also advises that the field in which the turbine is proposed contains no ground nesting or schedule 1 birds, which again suggests no mitigation this time for birds is required. Should works encroach on any hedgerows inspections for nesting birds are advised to be carried out.

The application is also accompanied by a Landscape and Visual Impact Assessment, which includes landscape photomontages, viewpoints plan and zone of theoretical visibility plans. This document identifies elements and characterisers of the landscape and examines its sensitivity to the proposed development, from a variety of receptors i.e. roads, footpaths and dwellings. The analysis has assessed the landscape to be of moderate to moderate-high sensitivity, depending on the location within the study area. Based on the scale of the proposed turbine, it states that there is potential to accept development in a suitable location without causing significant harm. Views of the proposed turbine will, it is stated, be limited for the most part resulting in moderate harm; localised immediately around the proposed site. Further discussion with the Local Planning Authority could result a conditions being imposed to maintain key hedgerow at an agreed height.

The farm already provides for a positive management/ improvement to landscape character; sensitive to the environment. The Landscape and Visual Impact Assessment concludes that overall, the impact of the proposed turbine on the landscape character and on visual amenity will not be significant, in this location.

**RELEVANT HISTORY:**

None that relates specifically to the application site.

**CONSULTATIONS:**

Local Highway Authority

The principle of the development is acceptable from a highway viewpoint. However, there are some concerns with the existing access point to Gorse Lane being proposed to serve the wind turbine site. In its current form this has restricted visibility

sightlines in either direction, due to existing boundary hedges and their proximity to the carriageway edge. Existing use of the agricultural access will be relatively low key which will inevitably increase at the construction stage. In addition, the existing access point is likely to have restricted geometry for the delivery of relatively large turbine components.

There is however an alternative access to the same field, served off the existing informal layby area (circa some 35m to the southwest). Here, the hedge follows the back of the layby affording for superior visibility. Given the preceding highway alignment, vehicle speeds along Gorse Lane (C111) did not appear excessive, with the proximity of the A517 junction. Any access should be designed for the largest delivery vehicles accessing the site and its associated known manoeuvres should the applicant be willing to consider the recommended reused access and reflect this on a suitably amended plan, it is unlikely that the Local Authority Highway Authority would be in a position to sustain an objection in principle to the development proposals with regard to any approval being granted for the proposed turbine the Highway Authority suggest that an informative note be included with regard to discuss access routes for delivery of the turbines components.

Parish Council  
No objection

Derbyshire County Council Rights of Way  
No objection

Peak and Northern Footpaths

No objection – It is a pity that nowhere in the documentation is there a mention of the presence of the public footpath, Footpath No 29, which runs across the field one away from the proposed location of the turbine. A photograph taken from this viewpoint would have been helpful.

Ramblers Association  
No response received

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).

If the proposal is on or adjacent to a local wildlife site, Regionally Important Geological/Geomorphological site (RIGS) or Local Nature Reserve (LNR) the Authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before determination.

Opportunities for biodiversity enhancements and landscape enhancements should be introduced where feasible, if appropriate.

Derbyshire Wildlife Trust

The application is accompanied by a Bat and Bird Ecological Appraisal Report which presents the results of an Extended Phase I Habitat Survey carried out on 15<sup>th</sup> October 2013. As the main habitat associated with the proposed turbine location to

be cattle grazed improved grassland, the proposal should not impact upon any habitats of substantive nature conservation value.

Although the site is within a field bordered by hedgerows with mature trees, that have been identified as providing ideal commuting and foraging routes for bats, Derbyshire Wildlife Trust are satisfied that the proposed location of the turbine is at sufficient distance from the surrounding hedgerows to be of minimal impact on foraging and commuting bats and accords with current guidance as set out in Natural England's Technical Information note TIN 051 : Bats and Onshore Wind Turbines. Given how the site is currently managed we concur that there is low value for ground nesting birds. However, Derbyshire Wildlife Trust advise that a condition be imposed to require a check by a competent ecologist for active birds' nests, should any works be intended between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, to ensure no birds will be harmed and/or that appropriate measures are in place to protect any nesting bird interest on site.

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)

No response

## **REPRESENTATIONS:**

Three letters/emails have been received from residents in the local area who object to the proposed development. Their concerns may be summarised as follows: -

- This development will be clearly and obviously visible, and detract from the views in the area.
- The development is too close to local housing. Research by the London School of Economics identified a 10% property value reduction. We already live next to what can only be described as a commune and have fields littered with old vehicles which are a disgrace. Meanwhile, true residents pay their Council Tax.
- I understand the recently erected turbines at Carsington Meadows fund the local villages in some way. Is there a proposal here? It is interesting to compare between this proposal and my own rejected proposal for dormer windows above my garage as they faced the road and 'changed' the roofscape of the area.
- The natural beauty of the fields and views across the valley will be significantly spoilt. With the vast bank of solar panels already in existence, it is hard to believe that there is a necessity to erect a wind turbine.

- The approach to the bend in the A517 known as Bradley Corner from the Ashbourne direction is already dangerous as people believe the road actually goes straight on. This is in fact a minor road, Gorse Lane, and the main road bends to the right.
- To erect what would be another major distraction for road users would only add to the number of accidents on this bend. The applicant will know only too well of this as his farm is in the fork between the two roads, where the unfortunate drivers end up. The police, I am sure, will support the fact that this is a notorious blackspot already.

**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) and Proactive Guidance
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..

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. Highway impact issues, and
- v. Any other material planning considerations

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 on the downward side of the slope which falls away to the north from the road into the valley of the Henmore Brook. This valley is a most attractive feature in this part of the district between Ashbourne and Carsington Water. The brook is part of the River Meadows landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area of which it is quite typical though, being well up stream, it is more constructed and enclosed in nature. Several other watercourses such as Kniveton Brook, Dayfield Brook and Parkside Brook are distinctive features within the landscape.



On the valleys northern side the land rises quite sharply within a landscape characterised by high spurs and ridges, dissected by small watercourses.

The highest ground, part of which directly overlooks the proposed site is also part of the settled farmlands landscape type of the Derbyshire Peak Fringe and lower Derwent landscape character area. A number of individual and groups of dwellings and farmsteads are located in the nearby surrounding area.

The local landscape contains a network of public rights of way that exist both within the valley and within the area south of the road. The nearest are to the north, associated with Ridge Lane between the site and the Henmore Brook, and to the west traversing fields between the site and a residence names 'Redlands' numerous footpaths cross fields on the northern and eastern side of Bradley. The footpaths that traverse the higher ground afford open panoramic views.

The submitted Landscape and Visual Impact Assessment (LVIA) considers the impact of the proposed turbine on local landscape character.

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). This document identifies all turbines between 15m in height to blade tip and 65m as being of medium size for the purposes of this assessment. In this particular case it is likely that the turbine would have the greatest impact and affect on the areas defined within the guidance that are the closest to it. Hence, it is appropriate to consider them all in this respect.

The sensitivity of the landscape type (Area 24 Settled Plateau Farmlands of the Needwood and South Derbyshire Claylands) within which the site is located, to this size of turbine, is identified as moderate. Area 20 – the Wooded Slopes and Valleys landscape type of the Derbyshire Peak Fringe and Lower Derwent landscape character area – that is associated with the wider valley to the north is identified as of moderate to high sensitivity and high ground further north which overlooks the site (Area 10) 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. The guidance is general, as each area is large in scale and characteristics vary in their detail across them, enabling proposals to be given consideration relative to their own nature.

For area 24, the landscape attribute that is particularly sensitive is the open views to and from the lower ground and the ridge tops. Medium sized turbines such as is proposed may be appropriate where they are usually linked to brownfield land, or other modern development (such as the applicants group of farm buildings). Cumulative impact with other turbines needs consideration (it is the case that two turbines in this general locality have recently been refused planning permission very recently). Screening benefits of existing trees and small woodland should be considered, to better integrate turbines.

For area 20, the landscape attributes that are most sensitive 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 Area 10 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 Landscape and Visual Assessment undertaken by Bagshaws LLP considers that the main effect of the development on the landscape would be experienced during the period of operation (up to 30 years). The assessment is highly critical of the landscape sensitivity study commissioned by the Council and gives little weight to it. It concludes that the turbine would be proportionate in scale to other vertical features within the landscape; that it would not be a defining feature in the landscape; that it would be temporary in nature and, therefore, that it would be accommodated within the landscape without significant harm to its fabric or character.

The visual assessment concludes that there will be moderate adverse impact on visual amenity locally and in the immediate vicinity of the application site. Beyond this the impact is mitigated by distance. Further mitigation of adverse impact is offered by the applicant involving the management of hedgerows at a higher level (3 metres) and tree planting. Overall the likely impact is not considered significant.

All this is illustrated through a series of photo montages submitted as part of the assessment.

Notwithstanding the agents assertions there are a number of concerns with this particular application. The turbine is of medium size and the guidance advises that the host landscape type is assessed as being of moderate sensitivity to such development, with some potential to accommodate it. However, it is not considered that the proposed location is the best position for the proposed turbine as it is: -

- On the edge of landscapes of higher sensitivity particularly in terms of the wide ranging views offered from the high ground and the sense of peace and tranquillity.
- In open countryside considerably removed from and, therefore, not well related to any existing development.
- Whilst of modest size compared to many other turbines it remains a tall structure out of scale with other vertical elements in the landscape such as hedgerow trees. As a result the prospect of its being successfully assimilated into the landscape is doubtful.

Consequently it is likely to be regarded as an alien element in the landscape in an isolated location and its construction would run contrary to the Council's guidance contained within 'Landscape sensitivity for Renewables in the Peak Sub Region' (Land Use Consultants – 2009).

The proposed turbine will be 40m to blade tip, a tall structure out of scale with other vertical landscape elements such as trees and hedgerow close by. With regard to

impact on visual amenity, its relatively prominent location will be overlooked, and in open view from a range of viewpoints across the higher ground to the north. Whilst in some of these it will be set, substantially against the background of the slope on the southern side of the Henmore Valley, the alien nature of the structure and the rotating blades will draw the eye. As a result it will have a disproportionate prominence within the valley setting.

With regard to the likely impact of the turbine on visual amenity the relatively prominent location proposed is overlooked and in open view of a range of viewpoints across higher ground to the north. Though, in some of these, the turbine is likely to be set, substantially, against the background of the slope on the southern side of the Henmore valley, the alien nature of the structure and the movement of the blades will draw the eye. As a result the turbine will have disproportionate prominence within the valley.

In other views from lower ground, such as those illustrated from viewpoints 1 and 6 submitted by the applicant, the turbine will be viewed prominently against the skyline. This is also true in some views from residential properties at Bradley Corner (where the turbine is likely to be overbearing) and the A517 (viewpoint 2). In addition there are open views to the site from residential properties on Atlow Lane/ Atlow Top which have not received particular attention but which are likely to be adversely affected.

In view of the size of the turbine the measures offered are not likely to mitigate impact to a significant degree.

As a consequence there is likely to be a higher level of adverse impact on visual amenity as a result of the development than is identified by the submitted LVIA.

As this the third of three recent turbine applications in this general locality little consideration has been given to potential cumulative impact, beyond an assertion that there would not be any. Given that all three turbine applications could be taken to appeal, if allowed, there would be a high and significant level of adverse impact resulting in fundamental change to landscape character and visual amenity. Notwithstanding this potential scenario, cumulative impact has not been considered with the Carsington Pastures wind farm turbines which are clearly visible on high ground to the north east (a further 3 turbines have planning permission to be introduced) in the general locality of Carsington Pastures).

In summary, based on the considerations set out above the visual and landscape impact of the proposed turbine at the location applied for would result in harm on the local landscape character types of this visually attractive and unspoilt area of open countryside in the Derbyshire Dales.

(ii) Noise Impact

With regard to noise impact the following comments are considered to be pertinent. The supporting information on the proposed turbines acoustic performance comprises the following. There is the summary of acoustic measurements for C & F Green Energy dated September 2011 for a 50kW turbine of mast height of 30m, and rotor diameter of 20m tested at a site in Tarrae, County Galway; and there is the additional Baseline Survey by Merebrook Consulting. The supporting Design and Access Statement refers to the former PPG24 which had set out National Planning

Policy with regard to noise. The guidance set out a 35dBA sleep disturbance criteria with allowances made for other noise variations i.e. an open window, and a day time lower fixed limit of 45dBA the statement advises that Government guidance now suggests that noise level of wind turbines should be assessed against the "Recommended Good Practice on controlling Noise from Wind Turbines contained within 'The Assessment and Rating of Noise from Wind Farms'" (ETSU for DT1 1997). This advisory document recommends that an acceptable level to be fixed in respect of the night time noise limit should be 43dBA.

In this case the type of turbine and distance to any residential or other property will ensure that no noise issues are created. At a distance of only 60m, assuming for a wind speed of 5m/s, the turbines sound output should only be 37dBA. The 45dBA threshold for the proposed turbine (at an average wind speed of 6.5m/s) is at a distance of approximately 50m (as shown in the accompanying acoustic report). Consequently, noise should not be an issue with the nearest residential property being some 250m away.

Notwithstanding the above, noise from the turbine could, if required, be controlled by a condition, based on advice in paragraph 25 of the ETSU-R-97 guidance. As such it is considered that the proposed turbine would not result in unacceptable noise impact to residents in the locality.

(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) Highway Impact Issues

The Local Highway Authority are not opposed to the proposed development in principle. However, they express concern over the proposed vehicular access for the turbine, which for the most part will be for its construction. They advise that a more acceptable access could be proposed into the same field as the access that is proposed. Hence, should the proposed development be considered acceptable in all other respects the applicant may consider submitting revised proposals in regard to overcoming the concerns of the Local Highway Authority.

Notwithstanding the above, as stated within the 'Visual/Landscape Impact' section of this report, the proposed turbine in the location applied for is not considered to be acceptable (moving the proposed access would require a further application to be submitted based upon the application site boundary). However, should a further application be submitted, existing Highway Authority concerns may potentially be resolved.

(v) Any Other Material Planning Considerations

The objections from residents of the local area are noted, and concerns expressed about landscape impact are considered appropriate. However, views of the proposed turbine by drivers on the local highway network have not been objected to by the Local Highway Authority. It is also the case that 'shadow flicker' has not been regarded as a potential issue. The supporting statement advises that shadow flicker generally occurs within ten rotor diameters of a turbine. For this proposal the rotor diameter is 20m and there are no residential properties within 200m to be affected by this potential occurrence.

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 a safe and satisfactory access could be proposed, based on the Highway Authority's comments, the impact of the proposed turbine on this complex and visually sensitive 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 the character and appearance of the landscape. 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:

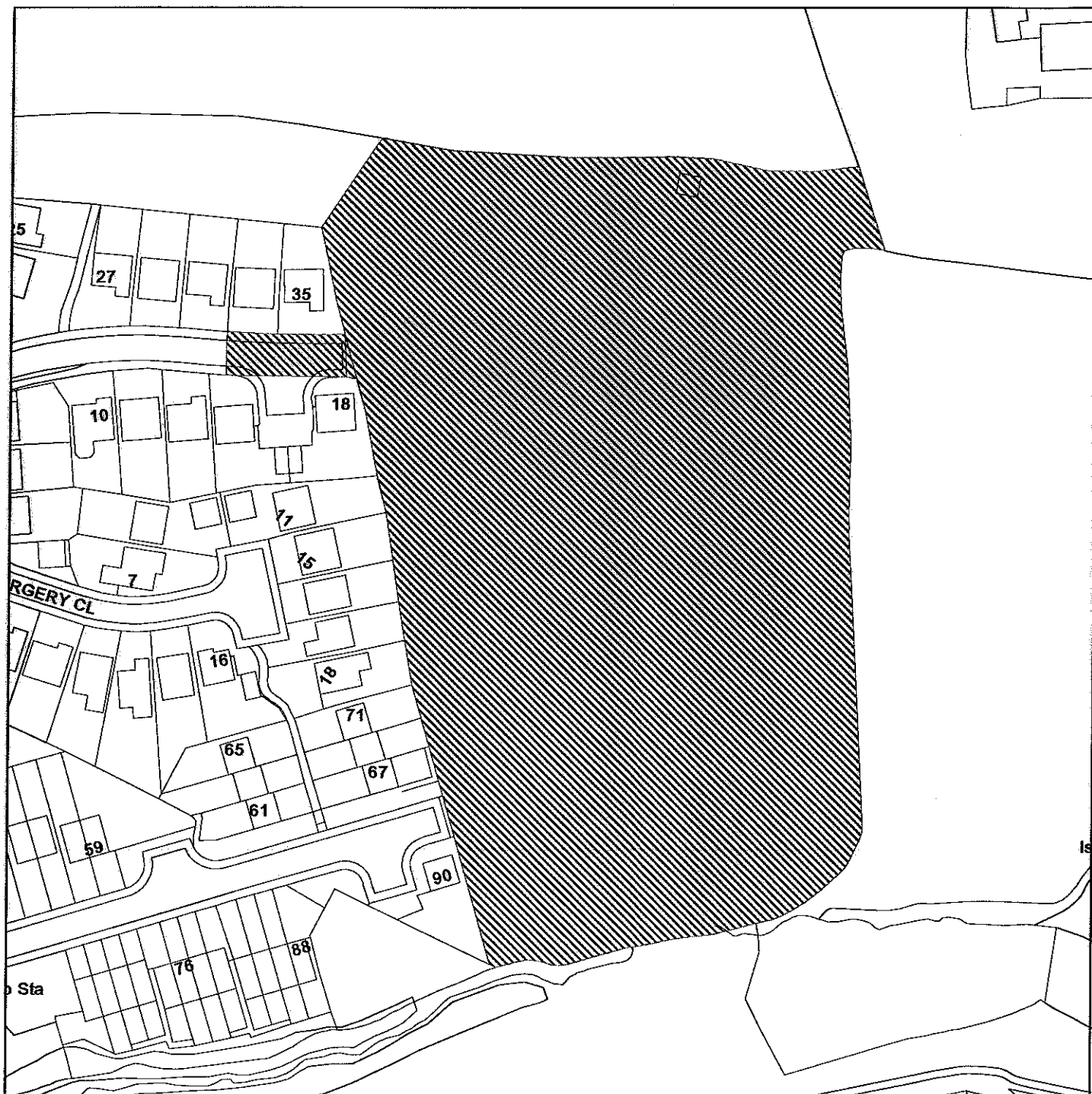
1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served 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 relates to the following documents:

- Design and Access Statement by Bagshaws LLP – Ref SJO/CGB Nov 2013
- Landscape & Visual Impact Assessment by Bagshaws LLP dated November 2013 with supporting landscape photomontages and viewpoint plan
- Bat and Bird Ecological Appraisal by Staffordshire Ecological Services Ltd, Report No P136. T196.13 dated 17<sup>th</sup> October 2013
- Additional Baseline Noise Survey Assessment by Merebrook Consulting, Ref No L-17463-2.4.2-14-S10-STM, correspondence dated 13<sup>th</sup> January 2014.
- Summary of Acoustic Measurements prepared for C & F Green Energy dated 7<sup>th</sup> September 2011, Report Version 1.0.
- 1.2500 Scale site location plan, received 25<sup>th</sup> November 2013.
- 1.500 Scale block plan, received 25<sup>th</sup> November 2013.
- Turbine overall dimensions drawing dated 2<sup>nd</sup> November 2011

# 13/00854/REM

## Land off Lodge Farm Chase, Ashbourne



Scale : 1:1250

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

<b>Organisation</b>	Derbyshire Dales District Council
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	31 March 2014
<b>Licence No.</b>	100019785

**13/00854/REM      ERECTION OF 37NO DWELLINGS AND ASSOCIATED PUBLIC  
OPEN SPACE AND INFRASTRUCTURE (APPROVAL OF  
RESERVED MATTERS) AT LAND OFF LODGE FARM CHASE,  
ASHBOURNE FOR MILLER HOMES LTD**

Town Council: Ashbourne  
Application type: Reserved Matters

Date of receipt: 05/12/13  
Case Officer: Mr W Shaw

**INTRODUCTION:**

This application was considered by Committee at the meeting held on 11<sup>th</sup> March 2014, following a site visit having been made in the afternoon. Members resolved to defer the application to allow the further comments from the public arising from re-consultation to be fully considered and to clarify issues relating to the future maintenance/ treatment of the boundary, including a ditch along the western side of the application site. These matters have now been addressed by the applicants and updated and further supporting drawings have been received in this regard. It is also the case that the applicants are requesting that the 'reserved matter' of landscaping be considered as part of the application, which was not included when the application was originally submitted.

**THE SITE AND SURROUNDINGS:**

The application site is a 1.65 hectare field that is bordered by a belt of woodland next to Premier Avenue to the south, dwellings at the end of Lodge Farm Chase, Margery Close and Highfield Road to the west and fields to the east and north. The field both rises in an easterly direction and falls away into a valley where a watercourse runs, towards its southern boundary. Mature hedgerow and trees feature along the eastern, northern and southern boundaries of the field, whilst native vegetation sections of wall and fencing define the sites western boundary, next to existing dwellings and highways. Higher to the east of the field is a significantly larger group of fields that have a committee resolution to grant outline planning permission for up to 125 dwellings, 65 extra care units and associated infrastructure.

**THE APPLICATION:**

This application follows the granting of outline planning permission in November 2013 for residential development of up to 40 dwellings on the application site. The matter of access to the site was approved as part of the application. No other matters were approved although an indicative layout was included in the submitted details to illustrate how the site may be developed.

Approval is sought for 'Reserved Matters' details in respect to layout, appearance and scale for a residential development now totalling 38no dwellings, public open space that includes a wildlife corridor and a balancing pond, and associated infrastructure. Originally, proposals for 37no dwellings were submitted, which included a mix of both two and three storey dwellings. Following negotiations with the applicants, in particular with regard to impact on the amenities of neighbouring residents, a revised layout has been put forward that enables one additional dwelling to be included. All the proposed dwellings will now be two-storey, available for sale on the open market due to a section 106 legal agreement securing amongst other provisions, a financial contribution towards affordable housing being provided off-site.

The amended proposals comprise a continuation of Lodge Farm Chase into the site in an eastern direction which stops short of the boundary with the adjacent housing



development site. Provision is made for a potential footpath and cycle link through existing field boundary hedgerow. A second roadway will branch off in a southerly direction midway through the site. The dwellings themselves will be a mix of 2, 3 and 4 bedroom detached, semi-detached and terraced properties, some with shared access driveways.

A wildlife corridor is to run across the northern end of the site, whilst at the lower, southern end of the site, will be a balancing pond with informal amenity space.

Both these areas are to be transferred to a management company. The amended proposals also include landscaping details, which include for a native hedgerow to be introduced along the sites western boundary where it meets the rear gardens of some of the existing neighbouring dwellings. A sectional drawing has been submitted which shows the relationship between the existing dwellings and the proposed new dwellings on this part of the site. (Further plans relate to this and landscaping details).

The existing drainage ditch is to be kept in its present form and will be within a fenced off buffer of new and existing hedgerow that will be within the new dwellings curtilages, access gates for maintenance purposes will be provided within the new fencing.

The applicants advise that the new residents will be responsible for the maintenance of these areas with the hedgerow having to be retained.

The application is accompanied by a Design and Access statement, which includes references to design objectives, site context and 'Building for Life' Criteria.

**RELEVANT HISTORY:**

13/00256/OUT Residential development of up to 40 dwellings and associated public open space and infrastructure – Granted

**CONSULTATIONS:**

Local Highway Authority

Means of access has already been considered and determined at the outline planning application stage. The proposed layout has changed significantly from the original concept plans. The street(s) generally follows a more traditional estate layout with a 5.5m wide carriageway, flanked by 2m wide footways. A 5.5m wide, presumed shared surface street, is provided as a cul-de-sac off the main estate street, the side street forming turning facilities for the main route. The layout is generally acceptable in plan terms subject to some minor issues being addressed, relating to visibility sightlines, parking/driveway design and speed control measures. (The applicants have confirmed that their amended proposals address the Highway Authority's comments).

The Local Highway Authority recommends relevant planning conditions to be imposed and provide advisory notes for the applicant's attention.

Town Council

Object to the application. Members feel that this is very different to the outline planning permission and will have a negative impact upon the existing street scene. It is felt that the plans should be reviewed with regard to daylight for existing properties. Concern is also raised regarding surface water running off and the possibility of increased flooding in other areas. The Town Council would like to see a wildlife corridor and a buffer between the existing and any new development.

Derbyshire County Council – (Economy, Transport and Environment)

Refer to comments made in respect to outline planning application and trust that the financial contributions secured in the signed S106 agreement remain valid and will be taken forward. With regard to site layout and design the County Council, in their previous response noted the proposal to include a footpath link as part of the on-site design of the development proposal and suggested that this link be designed to accommodate both cyclists and pedestrians. To the south of the development site is an existing Greenway which is part of the Sustrans National Cycle Network Route 68. A footpath and cycle link as part of the on-site design would help to provide onward access to the wider Greenway and cycle network. It is noted that this link is not shown on the submitted plans and it is requested that further consideration be given to reinstating this link for pedestrians and cyclists.

Environment Agency

The submitted drawings continue to show the balancing facility to the south of the site and, as such, the Agency has no further comments to add to those contained in their previous correspondence.

Natural England

Based upon the information provided, Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Our standing advice should be assessed as the proposals have not been specifically assessed for impacts upon protected species. Opportunities for biodiversity and landscape enhancements should be incorporated where possible.

Derbyshire Wildlife Trust (DWT)

DWT refer to ecological surveys undertaken for this site and the adjacent site to the east which identified the presence of a badger sett, including a main sett and several outlier setts. The nearest of these is understood to be 40m from the edge of the development. The proposals include for a wildlife corridor along the northern edge of the development which provides a link to the open countryside to the east. It is considered that these measures should address any immediate concerns about badgers in relation to this application.

The proposed species mix and design for planting within the wildlife corridor to establish a thorny hedge and infill between trees is acceptable.

Informal amenity space is proposed, part of which is taken up by a balancing pond. It is stated that around the pond grassland will be established. DWT recommend that a native wild flower mix compatible with the local character of the area is used to create an area of wild flowers around the pond (a range of grasses and herbs are suggested together with species appropriate to wetter areas).

It is not clear how the informal amenity area or wildlife corridor will be managed. A plan setting out a programme of management for these areas sufficient to maintain them in a favourable condition for wildlife and people, with details of costs needed, to ensure the sustainability of this aspect of the proposal. A planning condition should be imposed to secure an appropriate management plan for these areas to be submitted to and agreed in writing prior to commencement of development.

Derbyshire Constabulary Crime Prevention Officer

Suggestions have been forwarded for improving surveillance over the parking provision on several of the house plots (the applicants have been advised of this with regard to the amended plans).

Derbyshire Fire and Rescue Service

Domestic sprinkler systems are strongly recommended. However, if this is not agreed to at this stage a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost, should this be proposed in the future.

### **REPRESENTATIONS:**

Initially, a total of 63 representations were received, including three different duplicate pro forma objection letters, from local residents. Together with the representations received after the preparation of the agenda, these may be summarised as follows: -

- The development will result in unacceptable loss of light and privacy where it abuts existing houses.
- The existing extreme slope causes drainage and flooding problems.
- Cramming 38 properties onto half a field requires small footprint/high-rise dwellings. Due to the steep hillside, these will blot out all light from existing (down – slope) residences, some of which they immediately abut.
- Traffic on the steep, narrow, winding access road (Lodge Farm Chase) is already a problem, particularly in winter conditions. All attempts must be made to reduce traffic numbers.
- There is no need for over development – planning applications in the pipeline will offer about three times Ashbourne’s planned requirements. We have the luxury of allowing all our new sites to be designed as pleasant places for people to live.
- The proposed large and high terrace on the brow of a hill is wholly unacceptable and inappropriate. The site requires great sensitivity should any development be undertaken. Existing resident’s visual amenity should not be impeded. Even single storey houses will cause loss of privacy.
- The submitted documents are lacking in information and some contradict each other. For example, the spot heights on the outline application are different from those now shown on this latest application. Some documents are illegible and important information and plot numbers are obscured. Also there is no townscape drawing showing the effect on existing properties to the western and southern boundaries.
- The number of dwellings is far too high.
- At the Clifton Road junction, the view to the left is restricted and affected by parked cars.
- Surface water runoff has only partially resolved on Clifton Road opposite the Waterside Park Retail area. There has been recent flooding and the extra load to drainage alone is a cause for concern.
- A pedestrian crossing should be introduced to Clifton Road, ideally where a bus stop is located opposite the health centre.
- Sensitive design with extensive landscaping is vital. If the number of dwellings were to be reduced, dwellings with a maximum two storey height would be appropriate.
- The site sits on a substantial gradient in two directions. The proposals site new dwellings on the elevated ground above those residents living at the top of Margery Close. Rear gardens of these properties face east, receiving only morning sunlight through to midday.

- A buffer zone between the current gardens and the new dwellings should be introduced.
- The three storey properties are not in keeping with any nearby housing. The Design and Development Plan states that there are three storey buildings in Ashbourne, but these are only in the Old Georgian central part of town, not in this area.
- The ground level on site is 5m above my first floor level, plots numbered 17 and 18 would tower 13.5m above my first floor level. They are only 19m away from my house.
- There appear to be no plans of the detached garages, particularly plots 13 and 14 and between plots 16 and 17, what height will these be.
- It is noted that the north access road finishes in a blank end on the eastern boundary, indicating a link to the houses on the adjacent site that are proposed. If this happens, Lodge Farm Chase will become a rat run, with all the inherent problems of access.
- Injury caused by loss of light can be measured by the so-called '50/50 rule'. Case law indicates awards have been made in court and in my professional estimation a case could be made against the proposed development. Injury has been deemed to have been made in where less than 50% obscuration has taken place, my calculations in respect to 18 Margery Close is that 51% of light would be obscured. There may also be a case when the development is assessed against the 'Building for Life' criteria particularly criterion 6a: efforts for a dialogue with the developer have failed.
- Under 'social and neighbourhood constraints' in their Design and Access statement, the developers state that 'views across the site from the surrounding residential properties should be mitigated by the sensitive design and siting of buildings, open spaces and structural planting', but this has not been adhered to in the design of the site.
- The developers give themselves a green light on a selection of points from the 'Building for Life' booklet. However, item 6 in the booklet 'working with the site and its context' recommends 'being a considerate neighbour. Having regard to the height, layout, building line and form of the existing development at the boundaries of the development site'. This is not mentioned in their document and has clearly not been done.
- The 'Building for Life' criteria referred to by the applicant is selective in which points it addresses. The proposals do not satisfy numerous requirements of the criteria and the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight'.
- If this site has to be developed access from Highfield Road would seem more sensible.
- Removing three storey dwellings from Margery Close and Highfield Road properties now means that larger four bedroom houses are immediately behind the rear gardens of Margery Close.
- A second hedge is proposed that is mainly privet, which will take a few years to grow to a height which will provide a screen. If ownership of the proposed hedgerow is with the new residents, the hedgerow should have a condition preventing its removal. This existing field hedge has some holly but this does not ensure privacy in wintertime.
- There should be less dwellings, greater spacing to Margery Close properties (to afford more privacy) and the new dwellings afforded more room.

- The houses now facing my property will have a domineering impact due to the difference in land levels. A decent screen is therefore required to maintain some privacy.
- The existing drainage ditch near to the boundary hedge must be maintained. It would be improved by making it a French drain. The ditch prevents flooding of our property.
- The new additional hedge should not interfere with the ditch as it will take a number of years to grow and become an effective boundary screen or alternative could be a panelled fence.
- The existing hedge is of native deciduous species which provides no cover in winter. A substantial fence should be included as well as the proposed hedge to form an effective barrier. The new hedge should not be in the gardens of the new houses.
- I am very pleased and encouraged that the amended proposals allow a decrease in the number of three storey dwellings and that they are located sensitively.
- The amended proposals do not go far enough to overcome previous concerns. Plots 4 and 5, the nearest to my property will still tower over my house and garden, with loss of light, privacy and amenity.
- My house and those of my neighbours are set into the hillside, with the ground on site still rising above our gardens. The ground floors of the new properties are level with the eaves of my house. I believe this to be very intrusive.
- Houses on the western boundary should be set into the hillside or be single storey.
- In wintertime when the sun is low in the sky even more light will be blocked by the proposed dwellings.
- The token second hedge will do nothing to act as a buffer zone due to the height of the proposed buildings.

Following the application being deferred at the 11<sup>th</sup> March Committee meeting, several further comments have been received: -

- Who will be responsible for the maintenance and improvement of the existing hedge. What protection will it be afforded after the normally 5 year landscaping condition.
- The proposed hedge will not provide security, nor ensure privacy for existing properties.
- All possible steps to increase the depth and density of boundary zones should be taken to increase privacy.
- Ground floors of the proposed dwellings will be level with our properties first floor, or even our eaves. New residents will have a clear view down into our gardens and lounge over and through the native hedge. We would have liked a buffer, landscaping or bungalows along this boundary to mitigate this problem but none of these are proposed. Hence the hedge/fence is vital to preserve a small degree of privacy.
- The existing drainage ditch must be kept and indeed enhanced as we get serious run-off from the field into our gardens.
- Margery Close residents would be prepared to adopt the native hedge and ditch should the applicants are unsure what to do with these features.
- No road link through this site to the adjacent new housing development as this would become a rat run for over 1000 homes. Traffic would increase by a staggering 2500% and a condition should be imposed that this never becomes a road link.

**POLICIES:**

Adopted Derbyshire Dales Local Plan (2005)

- SF4: Development In The Countryside
- SF5: Design And Appearance of Development
- SF7: Waste Management And Recycling
- H4: Housing Development Outside Settlement Framework Boundaries
- H9: Design And Appearance Of New Housing
- H12: Alternative Provision For Affordable Housing Outside Settlement Frameworks
- NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
- NBE6: Trees And Woodlands
- NBE7: Features Important In The Landscape
- NBE8: Landscape Character
- NBE12: Foul Sewage
- NBE24: Archaeological Sites And Heritage Features
- NBE26: Landscape Design In Association With New Development
- NBE27: Crime Prevention
- TR1: Access Requirements And The Impact Of New Development
- TR8: Parking Requirements For New Development
- CS8: Provision Of Community Infrastructure
- L6: Outdoor Playing And Play Space In New Housing Developments

Derbyshire Dales Local Plan – Pre-Submission Draft:

- Development Management Policy 1 : Development within Settlement Framework Boundaries
- Development Management Policy 6 : Landscape Character
- Development Management Policy 7 : Biodiversity and Geological Interests
- Development Management Policy 8 : The Historic Environment
- 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 SA10 – Land at Hillside Farm (South/West) Ashbourne

Other:

National Planning Policy Framework (2012)

**ISSUES:**

The application site is emerging local plan housing site SA10. The Council resolved to give weight to these emerging local plan allocations and this was reflected in the granting of outline permission. This application only concerns the reserved matters not previously granted as the principle of development and any infrastructure requirements are secured through the outline permission.

Given that this is a reserved matters application seeking approval of details any representations that have been received in respect to the means of access to the site are not relevant as this was dealt with when outline planning permission was granted. It is also the case that 'up to 40' dwellings have been deemed to be appropriate, hence the proposed 38 no dwellings should not be considered to be an 'overdevelopment' of the site. The relevant considerations relate to design, layout, materials and, as details have been

submitted as part of the negotiations between the applicants and Council planning officers, proposals for landscaping are now included.

The following issues are considered to be the principal planning considerations: -

#### Impact on neighbouring residents

Clearly, the most sensitive part of the proposed development is that which borders the sites western boundary where some eleven existing dwellings are located. Most of these properties have rear gardens, which, immediately outside of their homes are at an appreciably lower level than their eastern boundary. The application site continues to rise beyond this boundary area. The initial layout for this application introduced a block of 3no, three-storey dwellings, the side elevation of which would have been less than 7m from the boundary of the nearest neighbouring dwelling on Margery Close. This, together with the three-storey design, which was also being proposed elsewhere upon the site, was not considered to be appropriate, both in terms of impact and context for this undulating field site. The amended layout and house types have resulted in only two-storey dwellings now being proposed. Plots 4, 5, 6 and 7 have rear gardens over 10m in length to the boundary with the existing dwellings along Margery Close and a new native hedge is to be introduced along this boundary. The applicants have also introduced a 1.8m high 'hit and miss' fence to these property gardens, which means there will be a 6m hedgerow buffer between the boundary with dwellings on Margery Close and the new fencing. It is considered that this should assist in minimising the impact on the existing resident's amenities with regard to their daylight and privacy, and the aims of the Adopted Local Plan Policy H9 have been appropriately addressed in the amended proposals.

#### Design and Layout

The amended proposals are considered to be a significant improvement when compared to the originally submitted scheme. Dwellings have been re-orientated to present a more coordinated street-scene and sense of place, with better appreciation of the undulating nature of the site. The submitted plans now include a range of sectional elevations enabling better appreciation of how dwellings relate to each other and the spaces in between. A turning head, previously missing from the earlier proposals, is introduced towards the eastern edge of the site which, with an extended hard standing improves how parking spaces can be negotiated by future residents and visitors. It can be seen from the comments of the Local Highway Authority that the design of the estate and property parking areas are considered to be satisfactory, particularly as minor issues that were highlighted have now been addressed by the applicants. Garden sizes are considered to be proportionate to the range of house types they will serve and detached garages that are now set back from the street-scene will afford the dwellings due presence. In the context in which these dwellings are located, as an extension to an existing residential cul-de-sac, the quality of the layout overall is considered to be in accordance with the aims of the Adopted Local Plan Policy H9 and the advice at Part 7 of the National Planning Policy Framework 'Requiring Good Design'.

#### Housing Mix

As previously mentioned, the proposed dwellings comprise a range of house types of 2, 3 and 4 bedroom properties. This mix of house types takes advantage of the sites contours. Hence, whilst some parts of the development may have its own particular identity, it is considered that, as amended, the housing types will integrate well with each other across the entire site.

### Open space

Policy L6 of the Local Plan concerns the provision of outdoor playing and play space in new housing developments. The policy is not unduly prescriptive and requires the development to layout appropriate levels of outdoor playing space commensurate with the size and scale of the development. For reasons relating to both protected species and drainage, the proposed housing will be accommodated between open spaces along the sites northern and southern sides. The northern area is a wildlife corridor which relates to the presence of badgers on the adjacent site and is intended to retain a foraging area for the species. Existing trees are to be retained and access for maintenance will be available along two shared driveways between the new housing. At the southern end of the site will be the balancing pond/informal amenity space which will also have retained trees along the southern boundary of the water. Both of these areas are to be transferred to a management company, something that a planning condition may be imposed to secure. Based on the submitted proposals, it would appear that retained trees will not pose any concerns in respect to their proximity to proposed dwellings, both in terms of structural integrity and future shading. As such, there are no concerns with regard to Local Plan Policy NBE6, the proposed landscaping may be dealt with by an appropriately worded planning condition, in accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan (2005). Within its context and bearing in mind the potential for a much more substantial open space on the housing site to the north, which will be linked by footpaths and cycleways, it is considered that adequate open spaces will be available to future residents.

### Footpath/ Cycle Links

The comments from Derbyshire County Council in respect to a footpath and cycle link have been referred to the applicant for consideration. They advise that the potential footpath link to Highfield Road as indicated on the outline master plan was considered as part of the reserved matters application. However, the applicants considered that the link would not be practicable due to the topography within this area of the development. It is also the case that the highway does not meet the boundary which means it would not be possible for them to provide a link within land that is not within their control. Notwithstanding this, the applicants are continuing with the potential footpath and cycle link to the larger housing development site along the eastern boundary of the proposed development.

### Conclusion

The representations from the Town Council and local residents are noted, a number of which relate to either matters that have been previously been considered i.e. in the outline planning application or to the originally submitted proposals in this application. However, the revised plans substantially address previous concerns particularly with regard to impact upon the residential amenities of neighbouring residents. Accordingly, subject to appropriate conditions being imposed a recommendation of approval may be given in respect to this application.

### **OFFICER RECOMMENDATION:**

Recommendation for approval subject to the following conditions: -

1. This permission relates solely to the application as amended by the revised plan(s) received by the Local Planning Authority on the 26th/27<sup>th</sup> February 2014, drawing nos. Rydall - 2048011 rev A, Darwin - 3078011 rev A, Radcliffe - 4198011 rev A, Crompton - 4138011 rev A, Orwell - 3098011 rev A, Glenmuir - 4088011 rev A, Darwin DA -



307DA8011 rev A, Hawthorn - 3048011 rev A. Also to the additional and amended plans received by the Local Planning Authority on 25<sup>th</sup> March 2014 referenced: -

- Planning layout drawing No. LFC/PL/01 Rev D
- Landscape proposals drawing no Mill 18997 11b Sheet 1 of 2
- Landscape proposals drawing no Mill 18997 11b Sheet 2 of 2
- Western Boundary Typical Section – drawing no LFC/TS/01
- 1.8m High hit and miss fence – drawing no SDF/20

2. 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.

3. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

4. Before any other operations are commenced Lodge Farm Chase shall be extended into the site for a distance at least 20m in order to provide a temporary access for construction purposes. The access shall be laid out at least 5.5m wide, constructed in a solid bound material and maintained to the satisfaction of the Local Planning Authority until the permanent access and new estate street has been constructed.

5. The premises, the subject of the application, 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 (revised) application drawings to conform to the County Council's current residential design guide, constructed to appropriate gradients to base level, drained and lit in accordance with the County Council's current residential design guide, constructed to appropriate gradients to base level, drained and lit in accordance with the County Council's specification for new housing development roads. The streets being fully constructed, with surface courses applied to carriageways and footways, in a timescale to be agreed in advance with the Local Planning Authority or within 6 months of occupation of the 35<sup>th</sup> dwelling, the subject of this application.

6. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents, visitors, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced, drained and maintained throughout the life of the development free from any impediment to its designated use.

7. Individual and shared driveways to the new estate street shall be provided with 2.4m x 25m visibility splays (measured up to 1m into the carriageway at the extremity of the sightline) in either direction, the area in advance of the sightlines being maintained for the life of the development free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

8. Individual and shared driveways shall be provided with 2m x 2m x 45 degree 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.

9. 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.

10. No gates, or any part of their opening arc, shall be permitted to open out over public highway limits. Any gates should therefore open into the site only or be set back into the site an appropriate distance from the public highway limits.

11. The proposed driveways to the new estate streets shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and no steeper than 1 in 10 thereafter.

12. Prior to the commencement of the development hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: -

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaken and any other arrangements to secure the operation of the scheme throughout its lifetime

14. DM01 : All materials to be approved - General

15: DM25 Windows / Door Frames ....50mm

16. SD4: Drainage – Provide Before Development

17: PD10 Permitted Development

18. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the prior written approval of the Local Planning Authority.

Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as specified in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

20. DM31a : Details of Boundary Walls

21. DM23 : Design Details (External Fixtures)

22. LA15a : Submission of Landscape Management Plan

23. The development/details permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision B, dated 28 March 2013, Ref: 13153/FRA&DS, undertaken by BPS consulting and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off generated on the site so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - Sections 3.4.2 to 3.5.3, 3.8.2.2, 3.8.3.4 and 3.8.5, including the provision of an open water surface water balancing pond as shown on Drawing No. 13153/SK4000.
- b) Improvement/protection and maintenance of the existing on site watercourse will be provided, by the provision of a minimum 4m easement on the North side of the watercourse - Section 3.7.2.
- c) All development to take place outside of the flood plain of the adjacent ordinary watercourse, as established by this FRA - Section 3.7.1.1.

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.

24. On site operations shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

25. Details of all detached / link attached garages shall be submitted to and approved in writing by the Local Planning Authority. The garages shall be constructed in accordance with the approved details.

26. The new dwellings on plots 4, 5, 6 and 7 shall not be occupied unless the proposed 1.8m high 'hit and miss' fencing for their rear gardens has been installed in accordance with the submitted details. The fencing shall be retained at all times, thereafter.

27. The existing drainage ditch at the western end of plots 4, 5, 6 and 7 shall be retained at all times clear of any obstruction to its functional purpose of surface water discharge.

Reasons:

1. For the avoidance of doubt.

2-13. In the interest of highway safety in accordance with the aims of Policy TR1 of the Adopted Derbyshire Dales Local Plan.

14. DM01 in accordance with the aims of Policy SF5 and H9 of ADDPL

15. DM25 in accordance with the aims of Policy SF5 and H9 of ADDPL

16. SD4: in accordance with the aims of Policy SF4 and H12 of ADDPL

13/00854/REM (Continued)

17. PD7 in accordance with the aims of Policy SF5 and H9
- 18: LA5a in accordance with the aims of Policy NBE6 and NBE26 of the ADDLP
19. LA13A in accordance with the aims of Policy NBE26 of the ADDLP
20. DM31A in accordance with the aims of Policy SF5 and H9 of the ADDLP
21. DM23 in accordance with the aims of Policy SF5 and H9 of the ADDLP
22. LA15a in accordance with the aims of Policy SF5 and NBE26 of the ADDLP
23. In the interests of flood control in accordance with guidance contained within the National Planning Policy Framework (2012).
24. To ensure suitable drainage of the site in accordance with guidance contained within the National Planning Policy Framework (2012).
25. For the accordance of doubt.
26. To safeguard the amenities of the occupiers of existing dwellings on Margery Close in respect to loss of privacy from overlooking, in accordance with the aims of Policies H9 and SF5 of the Adopted Derbyshire Dales Local Plan (2005).
27. For the avoidance of doubt and ensure the retained drainage ditch continues to function appropriately in accordance with the aims of Policy SF4 of the Adopted Derbyshire Dales Local Plan (2005).

Footnotes:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the siting, layout and scale of the proposed dwellings.
2. This permission relates to the following documents:  
Amended Plans: -
  - Rydall – drawing No. 2048011 rev A
  - Darwin – drawing No. 3078011 rev A
  - Radcliffe – drawing No. 4198011 rev A
  - Crompton – drawing No. 4138011 rev A
  - Orwell – drawing No. 3098011 rev A
  - Glenmuir – drawing No. 4088011 rev A
  - Darwin DA – drawing No. 307Da8011 rev A
  - Hawthorn – drawing No. 3048011 rev A
  - Planning layout drawing No. LFC/PL/01 Rev D
  - Landscape proposals drawing no Mill 18997 11B sheet 1 of 2
  - Landscape proposals drawing no Mill 18997 11B sheet 2 of 2
  - Western Boundary Typical Section – drawing no LFC/TS/01
  - 1.8m High hit and miss fence – drawing no SDF/20
  - Design and Access Statement dated November 2013

- 1:1250 Scale red line plan – drawing no HSF/RLP01
- 1:20/1:50 Scale Heras Fencing Tree Protection detail – drawing no SDF/29

3. Notes from the Highway Authority: -

- 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 Planning and Housing Services Of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 580000 and ask for Mr I Turkington).
- Pursuant to Sections 149 and 151 of the highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the 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 soakaway 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, Telephone 01629 580000.
- 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.
- Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management – telephone 01629 538686.
- Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

- Pursuant to Section 50 (Schedule 3) of the New Roads and 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 Planning and Housing Services of Economy, Transport and Environment at County hall, Matlock (tel: 01629 580000 and ask for the New Roads and Street-works Section).
- The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

4. The applicant's attention is drawn to the attached copy correspondence received from the Derbyshire Wildlife Trust in respect to planting species.

5. Conditions 12, 14, 16, 20, 22 and 24 of the Approval are conditions precedent. This means that a valid commencement of the approved development cannot be made within the lifetime of the permission until the particular requirements of the conditions precedent have been met. Failure to discharge conditions precedent may leave the development liable to the Council initiating formal enforcement proceedings.

6. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. 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.

NOT CONFIDENTIAL - For public release

SOUTHERN PLANNING COMMITTEE – 8th APRIL, 2014

DISTRICT COUNCIL TREE APPLICATIONS/NOTIFICATIONS

Progress report for March 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	CONDITIONAL CONSENT
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
90	TREES, BELLE VUE ROAD, ASHBOURNE PRUNING OF TREES Reasons: To ensure the long term amenity of the trees whilst ensuring an acceptable risk to the property	PENDING DECISION

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

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 Unightly	NO OBJECTIONS



CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>In accordance with good horticultural practice  Over-mature &amp; badly neglected  Cracking neighbouring outbuilding  Leans over boundary  Inappropriate species for a garden  Base of trunk rotten</p>	
OSMASTON	<p>CROFT HOUSE, MOOR LANE, OSMAS-  TON  FELLING OF CYPRESS  Reasons: Non-native species  Too close to house  Fear of subsidence or possible drainage issues</p>	NO OBJECTIONS
LONGFORD	<p>MILLBROOK, MAIN STREET, LONG-  FORD  FELLING OF CHERRY  Reasons: Touching the house  Risk of leaves blocking drains  Roots around drain</p>	NO OBJECTIONS
SHIRLEY	<p>THE OLD RECTORY BARN, DERBY ROAD, SHIR-  LEY  FELLING OF WELLINGTONIA  Reasons: Outgrown location  Leaning  Damaged brick retaining wall</p>	PENDING DECISION
ASHBOURNE	<p>DOVE HOUSE RESIDENTIAL HOME, 1 DOVE HOUSE GREEN, ASHBOURNE  FELLING OF TREES  Reasons: Not given</p>	PENDING DECISION
SHIRLEY	<p>RUSHMOOR HOUSE, CHURCH LANE, SHIRLEY  PRUNING OF TREES  Reasons: Not given</p>	PENDING DECISION
SUDBURY	<p>SUDBURY HALL CAR PARK, MAIN ROAD, SUDBURY  PRUNING OF HORSE CHESTNUT  Reasons: To reduce the sail effect  To extend its effective life</p>	PENDING DECISION
SUDBURY	<p>SUDBURY HALL, MAIN ROAD, SUDBURY  PRUNING &amp; FELLING OF TREES  Reasons: Inappropriate location  Badly damaged/decaying stem  Heavily overshadowed  Decay in and extending below main fork</p>	PENDING DECISION

CONS. AREA	ADDRESS/PROPOSED WORKS	DECISION/COMMENT
	<p>To allow access to the boat house</p> <p>To dry out the land</p> <p>Stunted</p> <p>Inappropriate species</p> <p>Damaged branch</p> <p>To improve the appearance of the tree</p> <p>Dead</p> <p>To facilitate lawn maintenance</p> <p>To prevent damage from children swinging on branches</p> <p>To improve air flow and prevent disease in nearby Rhododendron</p> <p>Dead branches</p> <p>To prevent damage to listed building.</p>	

**OFFICER RECOMMENDATION:** That the report be noted.