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Monday, 4 September 2023

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 12 September 2023** at **6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Monday, 11 September 2023**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 16)

11 July 2023

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. PUBLIC PARTICIPATION

To provide members of the public **who have given prior notice** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express 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. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here [Speak at Planning Committee](#). Alternatively email: committee@derbyshiredales.gov.uk or telephone 01629 761133.

5. 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.

5.1. APPLICATION NO. 23/00566/FUL (Pages 17 - 42)

Formalisation of the existing overflow car park, formation of an additional parking area, formation of new vehicular access and associated drainage and landscaping works at The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ.

5.2. APPLICATION NO. 23/00630/FUL (Pages 43 - 64)

Change of use of land to 8 no. pitch traveller site with associated new access (Resubmission) at The Woodyard, Derby Road, Homesford, Matlock.

5.3. APPLICATION NO. 23/00616/OUT (Pages 65 - 96)

Outline planning application for a mixed-use development of up to 75no. dwellinghouses and a commercial development (Use Class E) with approval being sought for access (revised scheme) at Land South of Main Road, Brailsford.

5.4. APPLICATION NO. 23/00553/OUT (Pages 97 - 126)

Outline planning application for the erection of up to 25no. dwellinghouses with approval being sought for access at Land off Belper Road, Ashbourne.

5.5. APPLICATION NO. 23/00178/FUL (Pages 127 - 152)

Demolition of dwellinghouse and erection of 5no. dwellinghouses with associated access and parking at The Gables, 14 Bolehill Road, Bolehill, Matlock, Derbyshire, DE4 4GQ.

5.6. APPLICATION NO. 23/00115/FUL (Pages 153 - 176)

Extension to existing workshop and erection of replacement stores building. Creation of private way, hard surfacing and landscaping in association with change of use of field to vehicle yard at Wardmans (Matlock) Limited, Old Coach Road, Tansley, Matlock, Derbyshire, DE4 5FY.

5.7. APPLICATION NO. 23/00459/FUL (Pages 177 - 190)

Change of use of land and erection of 3 no. glamping domes, erection of service hut, bike store and construction of associated access track, car park, refuse/recycling facilities, associated landscaping, footpaths, fencing and ground-mounted solar panels at Burley Fields Farm, Bent Lane, Darley Dale, DE4 2HN.

5.8. APPLICATION NO. 23/00787/FUL (Pages 191 - 198)

Alterations to windows and doors (re-submission) at 2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire, DE6 2EJ.

6. APPEALS PROGRESS REPORT (Pages 199 - 216)

To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee: David Burton (Co-Chair), Peter O'Brien (Co-Chair), Sue Burfoot (Vice-Chair)

Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Mark Wakeman and Nick Whitehead

Nominated Substitute Members:

Substitutes – Councillors Anthony Bates, Geoff Bond, Kelda Boothroyd, Marilyn Franks, Gareth Gee, Dawn Greatorex, Andy Nash, Roger Shelley and Nick Wilton

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt on Monday, 11 September 2023**, before leaving (**by coach**) at **10:00am** to visit the sites as detailed in the included itinerary.

COMMITTEE SITE MEETING PROCEDURE

The purpose of the site 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.

PUBLIC PARTICIPATION

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

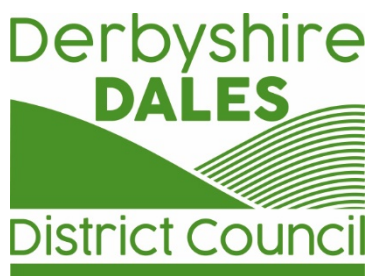
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SITE VISITS

LEAVE OFFICE		10:00
23/00630/FUL	The Woodyard, Derby Road, Homesford, Matlock	10:15
23/00178/FUL	The Gables, 14 Bolehill Road, Bolehill, Matlock, Derbyshire, DE4 4GQ	10:50
23/00616/OUT	Land South of Main Road, Brailsford	11:40
Comfort break	Ashbourne Leisure Centre	12:15
23/00553/OUT	Land off Belper Road, Ashbourne	12:40
23/00566/FUL	The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ	13:15
23/00459/FUL	Burley Fields Farm, Bent Lane, Darley Dale, DE4 2HN	14:10
23/00115/FUL	Wardmans (Matlock) Limited, Old Coach Road, Tansley, Matlock, Derbyshire, DE4 5FY	14:50
RETURN		15:30

Members are advised to bring footwear suitable for muddy / wet sites.

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 11th July, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Peter O'Brien - In the Chair

Councillors: Robert Archer, John Bointon, Sue Burfoot, David Burton, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Dermot Murphy, Mark Wakeman and Nick Whitehead

Present as Substitute - Councillors: Kelda Boothroyd

Kerry France (Legal Services Manager), Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 27

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Laura Mellstrom and Peter Slack

38/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Nick Whitehead, seconded by Councillor Robert Archer and

RESOLVED

That the minutes of the meeting of the Planning Committee held on 13 June 2023 be approved as a correct record.

Voting

12 For
00 Against
02 Abstentions

The Chair declared the motion **CARRIED**.

39/23 - INTERESTS

There were no declarations of interest.

40/23 - APPLICATION NO. 21/00956/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mrs Carol Mosley (Local Resident) and Cllr. Ian Walker (Darley Dale Town Council) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor David Burton, seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That planning permission be refused for the reasons:

1. Insufficient information has been submitted to demonstrate that foul sewage and chemical waste from the development will be appropriately disposed of and that such measures are deliverable for this retrospective application to not result in pollution of the environment contrary to the requirements of Policies S1, S4, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017) and National Planning Practice Guidance.
2. The prominent siting of the development in an open field constitutes an unwarranted and harmful incursion in the countryside that does not respect the character and appearance of this part of the local landscape contrary to the requirements of policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

The Chair declared the motion **CARRIED**.

41/23 - APPLICATION NO. 23/00508/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Ms Claire Wright / Mr Adam Hodgson (Applicant) spoke in support of the application. Ms Hannah Shakespeare (Local Resident), Mr Mike Andrew (Local Resident) and Mr Jonathan Edwards (Local Resident) spoke against the application. Councillor Matt Buckler commented on the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the Derbyshire Wildlife Trust.

It was moved by Councillor Stuart Lees, seconded by Councillor Nick Whitehead and

RESOLVED (unanimously)

That authority be delegated to officers to issue a decision with the recommended conditions, and additional conditions relating to drainage (which will include the submission and approval of a final drainage scheme, that will follow the parameters of the drainage strategy designed for the site which considers an 1 in 100 rainfall event and 40% capacity for climate change and allow us to look at infiltration and outfall to a watercourse and independent verification of the system to ensure that it has been built and functions as designed), following consultation with the LLFA and confirmation that they do not object to the proposals or wish to comment in light of any recent flood events in the locality.

The Chair declared the motion **CARRIED**.

7.55pm – The Chair adjourned the meeting.

8.08pm – The meeting reconvened.

42/23 - APPLICATION NO. 22/01389/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Will Thompson (Applicant) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the Lead Local Flood Authority.

It was moved by Councillor David Burton, seconded by Councillor Mark Wakeman and

RESOLVED

That planning permission be approved, subject to the following conditions:

1. That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission following the resolution of land drainage matters

and completion of a S106 planning obligation to secure 30% provision of affordable homes on site, conditions recommended by consultees and conditions to secure appropriate materials, hard and soft landscaping and measures to help mitigate the effects of and adapt to climate change.

Voting

10 For
04 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

43/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 8.30pm, it was moved by Councillor Robert Archer, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue for 30 minutes.

The Chair declared the motion **CARRIED**.

44/23 - APPLICATION NO. 22/01407/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Andrew Stock (Agent) spoke in support of the application. Cllr. Sandra Spencer (Ashbourne Town Council) spoke against the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor David Hughes, seconded by Councillor Neil Buttle and

RESOLVED

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission following the completion of a S106 planning obligation to secure 10 no. affordable homes on site (including 3 first homes) an off-site affordable housing contribution equivalent to 0.8 units (£36,371.20), a contribution of £6123.60 towards children's play equipment on the nearby play area, a £2127.60 contribution towards the provision of allotments within the District and a mechanism to secure biodiversity net gain for a period of at least 30 years, with the recommended conditions and the following additional conditions:

1. Prior to first occupation of a dwelling, a pedestrian footway shall be provided to the southwest of the site access connecting to existing footpath infrastructure, unless otherwise agreed in writing by the Planning Authority.

Reason:

To improve pedestrian access to services and facilities in accordance with the aims of Policies S1, S3 and HC19 of the Adopted Derbyshire Dales Local Plan.

2. Prior to first occupation of a dwelling, a scheme for improving cycling and walking opportunities through the site and details of any new connections shall be submitted to and approved in writing by the Local Planning Authority. Such connections shall thereafter be made within three months of the first occupation of a dwelling unless otherwise agreed in writing by the Local Planning Authority (2017).

Reason:

To enhance pedestrian and cycling connectivity in accordance with the aims of Policies S1, S3 and HC19 of the Adopted Derbyshire Local Plan (2017).

Voting

13 For
01 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

45/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 9.15pm, it was moved by Councillor Peter O'Brien, seconded by Councillor Peter Dobbs and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continues to enable the business on the agenda to be concluded.

The Chair declared the motion **CARRIED**.

46/23 - APPLICATION NO. 22/00769/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Ms Alexandra Palfreyman (Agent) spoke in support of the application. Ms Beverly Van de Griend (Local Resident), Ms Mari Maxfield (Local Resident) and Ms Ann Tobin (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a further three representations received from local residents.

It was moved by Councillor David Hughes seconded by Councillor Mark Wakeman and

RESOLVED

That planning permission be approved subject to the conditions set out in section 8 of the report.

Voting

09 For

04 Against

01 Abstentions

The Chair declared the motion **CARRIED**.

47/23 - APPLICATION NO. 22/00770/LBALT

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 8 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of a correction to the report which should refer to 8th November 2022, as detailed in the planning application 22/00769/FUL.

It was moved by Councillor Robert Archer, seconded by Councillor David Hughes and

RESOLVED

That the listed building consent be granted subject to the conditions set out in section 8 of the report.

Voting

11 For

01 Against

02 Abstentions

The Chair declared the motion **CARRIED**.

48/23 - APPEALS PROGRESS REPORT

It was moved by Councillor David Burton, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

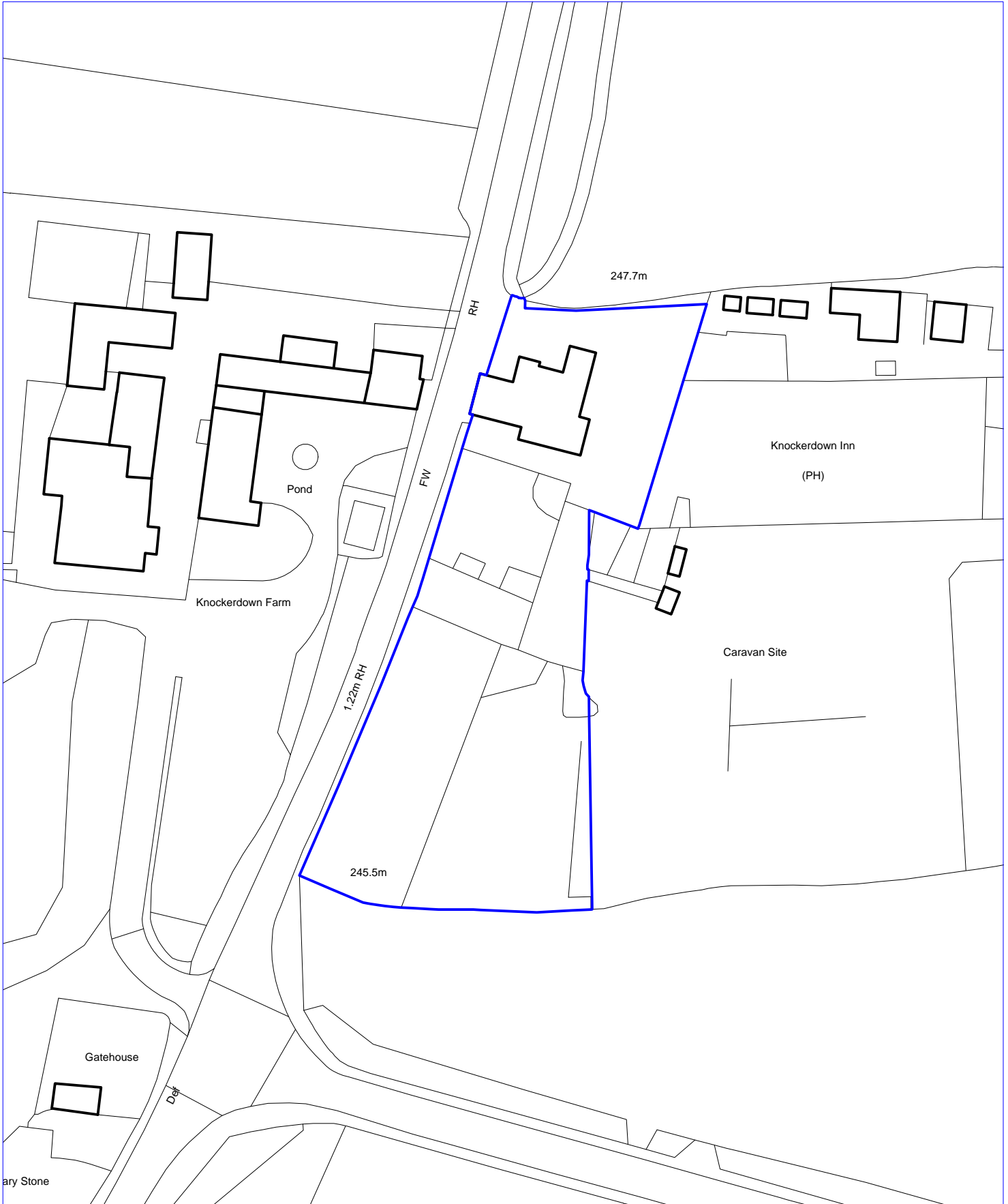
That the report be noted.

The Chair declared the motion **CARRIED**.

Meeting Closed: 9.55 pm

Chairman

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APPLICATION NUMBER		23/00566/FUL	
SITE ADDRESS:		The Knockerdown Inn, Knockerdown, Ashbourne, Derbyshire, DE6 1NQ	
DESCRIPTION OF DEVELOPMENT		Formalisation of the existing overflow car park, formation of an additional parking area, formation of new vehicular access and associated drainage and landscaping works	
CASE OFFICER	Mr Joe Baldwin	APPLICANT	Mr Dan Macken
PARISH/TOWN	Carsington	AGENT	Mr Nick Baker
WARD MEMBER(S)	Cllr Peter Slack Cllr Dawn Greatorex Cllr Lucy Peacock	DETERMINATION TARGET	13.09.2023
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to consider the impact of the development on the local environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • The principle of the development • Sustainability of location • Impact on character and appearance of this part of the countryside and the local landscape • Impact on residential amenity • Impact on highway safety • Impact on biodiversity

RECOMMENDATION
That the application be approved subject to the conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application relates to an existing public house, The Knockerdown Inn and the surrounding land. The site is located off the eastern side of the B5035, approximately 750m to the west of the Carsington Visitor Centre. On the opposite side of the B5035 there is a range of holiday cottages a wedding venue. The site is also located to the south of the CW Sellors "Jewellery Centre of Excellence" which is currently under construction.
- 1.2 The site includes the Knockerdown Inn public house with play equipment to the south, car parking area to the north and a range of ancillary outbuilding within the adjacent fields, which had been erected in association with a historic camping/caravanning/glamping use on the fields to the east. The existing boundaries of the site comprise tree and hedgerows. Carsington public footpath 8 runs across the south western corner of the site.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for formalisation of an existing overflow car park to the south of the public house, formation of an additional parking area to the east of the overflow carparking area, formation of new vehicular access and associated drainage and landscaping works as shown on the submitted amended plans received by the Local Planning Authority on 28th July 2023.
- 2.2 The proposed new access onto the B5035 would act solely as an exit from the site with the existing access retained as the entrance. The proposed formalisation of the overflow car park and the new car parking area would be surfaced with a permeable compacted gravel. Associated drainage and landscaping is also proposed.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - Hc15: Community Facilities and Services
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
 - EC1: New and Existing Employment Development
 - EC8: Promoting Peak District Tourism and Culture
- 3.2 National Planning Policy Framework (2021)
National Planning Practice Guidance
Adopted Landscape Character and Design SPD (2018)
Adopted Climate Change SPD (2021)

4.0 RELEVANT PLANNING HISTORY:

1287/0832	Sign and lanterns	Granted	28/01/1988
0888/0577	Alterations to public house	Granted	20/09/1988
0397/0193	Display of illuminated and non-illuminated signs	Granted	15/05/1997
0391/0177	Temporary use for siting of caravans	Granted	17/04/1991
0697/0367	Extension to curtilage of public house and erection of play equipment	Granted	04/09/1997
0592/0417	Extensions and alterations, extension to car park and installation of gas tank	Granted	13/08/1992
00/10/0687	Cellar extension	Granted	23/11/2000

06/00607/FUL	Extension to public house	Granted with Conditions	13/12/2006
18/00973/CLEUD	Certificate of lawful existing use - Siting of residential caravan for staff accommodation	Refused	31/10/2018
19/00028/WREP	Certificate of lawful existing use - Siting of residential caravan for staff accommodation	Appeal Dismissed	18/10/2019
22/01011/FUL	Change of use of public house and associated land to a mixed-use comprising coffee house, bar & restaurant and place of assembly & leisure including functions, event and display areas, and ancillary retail use. Erection of a retail and coffee shop (including additional toilets); formation of additional car parking; formation of new vehicular access; groundworks to create external seating and display areas; landscaping and drainage infrastructure and other associated works.	Refused	14/12/2022

5.0 CONSULTATION RESPONSES

Carsington and Hopton Parish Council

5.1 Background

This is the second application in relation to this site by Caffeine & Machine. Since the initial application was refused the Knockerdown Inn has reopened and is currently running as a local pub with a caravan and camping site in the surrounding fields. The Parish Council have endeavored to look back over the planning history of this site and have found it difficult to establish what permissions currently exist. On DDDC's website there is reference to old applications but understandably the associated documents are not always available to view. Our investigations conclude that there does not appear to be a permission to run a caravan and camping site and importantly for the current application, the area stated as an existing overflow car park, does not appear to be the subject of any relevant permission either.

In the absence of vehicles, caravans and tents the site is still one of open fields and consistent with what is assumed to be its official use, that of agriculture. It is possible that there is an establishment of an existing use in relation to the camp site however, whilst it has been run for many years as such, historically the campsite was closed completely during the winter months with the pub only opening sporadically for local trade. There is also the fact that when the applicants took ownership the pub and camping site was closed for approximately a year. The Parish Council would contend that in view of these cessations an established use cannot be said to have been acquired. Likewise in relation to the overflow carpark it cannot be seen how any rights have acquired with the passage of time not only for the same reasons outlined above in relation to the campsite but also the transient nature of vehicles coming and going and the fact that the area containing the overspill was very rarely employed as such. This is borne out by the fact that current observation of that area shows that it is often used for camping rather than parking.

Residents' Concerns

As with the initial application the Parish Council have been approached directly by residents expressing their concern regarding this second application.

It is felt locally that whilst this application makes no mention of running the venue in the same vein as the sister site in Warwickshire, that the number of proposed car parking spaces and hardscaping required is more consistent with that for a motor vehicle related “theme pub” for enthusiasts, rather than it continuing to be run as it is now, offering camping and caravanning and as a community pub. As such it has been stressed to the Parish Council that ultimately it is felt that the applicants are seeking to achieve the same outcome as requested in the refused application, albeit incrementally.

The objections made previously by the local community in relation to safety issues arising from the already very busy B5035 remain. Since the last application there have been several accidents along this stretch of road with only very recently 3 accidents in a 2 week period at the Hopton end. The dam wall road suffers similar problems relating to speeding vehicles and being used as an unofficial racetrack particularly in the evenings.

Residents are also worried about the noise levels from cars and motorbikes destroying the tranquility of the area. Concerns have been raised as to the creation of a second access so close to a major junction.

The Parish Council notes the large volume of representations made by local people already logged by the Planning Department setting out their extensive concerns and objections to the scheme.

The Parish Council have not received a single message of support in relation to this proposal.

The Parish Council's Response

The creation of additional parking and the “formalisation” of existing overspill carparking is strongly resisted by the Parish Council. We know of no other local public house or restaurant in the area with parking for such a large number of vehicles. The Knockerdown Inn has run a large-scale camping and caravanning site over the years and has been exceptionally busy in the summer months. We did not receive any reports from local people regarding vehicles being parked on the surrounding roads and verges during these busy times. It is therefore deemed that the parking as existing on the site is sufficient for this business.

The Parish Council is particularly concerned about the impact of creating such a large-scale carparking area and the nature of the proposed materials and lighting scheme. It is noted that Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) states that a development should conserve and where possible enhance the natural and historic environment within the plan area. Further in accordance with Policy PD5 (Landscape Character) that development which would harm or be detrimental to the character of the local area and wider landscape should be resisted. This site is in open countryside. The land which is the subject of the application is believed to be classified formally and has the appearance of agricultural fields. The planning officer's report in relation to the first application stated that the siting and amount of hard surfacing proposed gave rise to significant concerns. “The surrounding area is rural in character due to the grassland which surrounds the existing public house. The introduction of a new asphalt carpark is considered to result in a significant urbanising effect that would be incongruous in this context.” The Parish Council contend that these concerns remain. The site can be viewed from the road and the public right of way along with views from further afield and the overall effect of tarmacked carparking is completely out of keeping with the area.

The Parish Council remains concerned about the impact that any increased motor vehicular activity will have on noise pollution and also the light pollution which the associated lighting scheme will produce.

The Parish Council question the sustainability of this location for further development in the manner requested. As with the original application the Parish Council is still struggling to reconcile this proposal with DDDC's commitments to "GO Green". This initiative showcases solutions to climate change and the biodiversity crisis. It encourages residents, businesses and visitors to reduce their carbon footprint. Protecting the Derbyshire Dales character includes to address, mitigate and adapt the effects of climate change on people, wildlife and places. By increasing the number of parking spaces this can only increase the number of vehicles coming to the site which in turn does nothing to promote alternative modes of more sustainable transport in fact quite the reverse. The strategic approach of DDDC is to mitigate the effects of climate change without affecting the quality and distinctiveness of the local environment by directing development to sustainable locations and promoting low carbon sustainable development. This is not such a location nor the Parish Council contends is this development doing anything other than increasing carbon emissions and cannot be therefore viewed as sustainable.

Conclusion

The Parish Council strongly object to the application and summarise the objections as follows: -

It is believed that the area used as overspill carpark does not have the benefit of any planning permission and is therefore still agricultural field as must be the other area of field which it is proposed to turn into a carpark. Any application to turn fields into tarmacked hardstanding at a time when biodiversity needs enhancing and protecting should be resisted.

The volume of carpark spaces requested for this small country pub is wholly inconsistent with the scale of operations being run from there.

The large area of hardscaping and proposed lighting scheme will have the overall effect of urbanising what is a rural area attracting visitors for the outstanding countryside which surrounds this site. The impact of these proposals would in the parish council's view impact detrimentally not only on the landscape but also on the amenity of the residents by encouraging more motor vehicles into the area.

The Parish Council believe that any further development on this site should be viewed as unsustainable as its focus is entirely on motor vehicles which is entirely inconsistent with Derbyshire Dales Green policies.

Environment Agency

- 5.2 We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

Derbyshire County Council (Highways)

- 5.3 The application is for the formalisation of an overflow carpark, additional parking and a new vehicular access point onto the B5035. The Highway Authority has previously commented on application 22/01011/FUL which was for change of use of the public house to multi use, a new coffee shop, additional parking, and a new vehicular access. Whilst this application

omits the change of use and the new coffee shop the access details remain the same and parking layout have been amended. Given that there were no previous highway objections to the proposal, this current proposal remains acceptable. (Subject to conditions).

Derbyshire County Council (Rights of Way)

- 5.4 14/06/2023: I can confirm that Carsington Public Footpath No. 8 runs through the proposed development site, as shown on the layout plan submitted with the application. I understand that the used line of the path differs from the legal line, perhaps because path users have had to walk around parked cars in the past, and that the applicant has already been informed of the possibility that that route may also have acquired rights. It is therefore possible for someone to claim the route as a public right of way.

In order to retain the footpath on its legal alignment, as is the intention, it would be necessary to provide a safe, pleasant corridor through the car park, with safety mitigation measures in place at any vehicular crossing points, including giving priority to pedestrians. The number of crossing points would also need to be kept down to an absolute minimum. The reason for this is to protect the footpath from obstructions such as parked cars, and to ensure the safety of path users whilst not reducing their enjoyment of the path. Where the path crosses boundaries, the least restrictive boundary crossing must be chosen (that would still enable stock control if needed), such as a pedestrian gate, wicket gate or kissing gate to British Standard 5709:2018. Details are required of precisely how the footpath will be incorporated, including the surfacing and width (the minimum of which must be 2 metres), and proposed boundary crossings. Details are also required about how cars will be prevented from crossing the path, other than at designated crossing points, and how the crossing points will be managed. These details are required before full comment can be made.

03/08/2023: Please consider the following comments as a response to the amended plans provided by the applicant on the 28th July 2023. The amended plans, specifically plan 6902 P 502-200 P Site, should be accompanied by a condition of permission, which stipulates that a detailed technical note relating to footpath 8 be agreed with DCC PROW, prior to any works commencing. In addition, we would request that parking spaces are clearly marked out, to discourage vehicle users from parking in an ad hoc manner, which would be more likely to result in the footpath itself becoming a parking space.

Derbyshire Wildlife Trust

- 5.5 We have reviewed the Preliminary Ecological Appraisal and Bat Roost Assessment (Arbtech, May 2023). This application comprises a smaller footprint than the previous application at the site, which the Trust commented on in 2022. The Arbtech report is well-detailed, and we agree that protected species constraints within the current footprint of works are limited.

As per our previous response, a method statement approach to safeguard Great Crested Newts (GCN) is acceptable, however if individuals were found during works, delays may be incurred whilst a suitable way forward is agreed. This approach would also safeguard reptiles. Precautionary approaches to safeguard badgers and hedgehogs are also outlined in the ecology report.

The pub building has moderate potential to support roosting bats. Given that no works to the building are included within this application, no further surveys are required. However, they are likely to be needed prior to any future renovation works. We welcome the proposals to provide bat and bird boxes as part of proposals.

The external lighting plan Rev. A (6902(P)23_503-200) details low level lighting in the car parking area and entrances / walkways. These appear reasonable and in line with our previous comments. Lightspill has been restricted to necessary areas within the footprint

and avoided to the eastern grassland fields and further eastwards to Carsington Reservoir. The lighting plan should be secured via a compliance condition.

The proposed tree and hedgerow planting is welcomed, and we note that all existing mature trees will be retained. However, proposals would result in the loss of 0.2 ha of 'other neutral grassland'. Some wildflower grassland is proposed alongside the new access, but this will be limited in extent. We advise that some additional enhancement of the remaining grassland within the site should be included within proposals to compensate for this loss. This could be achieved along the margins of the other fields or in the area of the wildlife pond.

Derbyshire Dales Ramblers

- 5.6 Ramblers Derbyshire Dales Group objects to this application for a carpark:
- I. Carsington FP 8 runs across the site. A car park would interfere with both the enjoyment and safety of pedestrians and walkers.
 - II. Moving vehicles would not be appropriate for this Right of Way
 - III. FP 8 should remain unaffected at all times, including the route surface, both during and after any development
 - IV. A tarmac surface of the Definitive Map FP line is adverse for walkers.
 - V. Any encroachment of the route would need consultation and permission with/from the DCC Rights of Way Team

Peak District National Park Authority

- 5.7 Derbyshire Dales District Council should have regard to the purposes of a national park in determining the application, pursuant to Section 62 of the Environment Act, because the proposed development is close to the boundary of the Peak District National Park. The purposes of a national park are: (i) to conserve and enhance natural beauty, wildlife, and cultural heritage; and (ii) to promote opportunities for the understanding and enjoyment of the 2 park's special qualities.

The issues raised by the Peak District National Park Authority in its comments on the previous application (22/010111/FUL) have not been addressed. The development would have a negative impact on the tranquility of the Peak District National Park. 'Tranquillity' is one of the Peak District's special qualities. Large numbers of vehicles will be attracted to the site. We are particularly concerned that it will lead to leisure driving in performance cars onto the Peak District's quiet lanes, because of the 'challenge' such roads present. Such roads are already busy with a mix of users, including cyclists and pedestrians.

Peak and Northern Footpath Society:

- 5.8 I strongly object to this application. Carsington Footpath 8 currently runs over the grassed area of the former camp site. Use of the path by walkers has co-existed with the use of the land by tents and caravans. The proposed development would mean that the path ran over a tarmac car park, with a total loss of amenity value for walkers, as well as the intrusion of multiple vehicle movements and the danger from vehicles. The whole scheme needs to be re-planned to ensure that the value of the path remains.

Tree and Landscape Officer (Derbyshire Dales)

- 5.9 Trees and hedgerows

The site contains no trees currently subject to DDDC Tree Preservation Order and the site is not within a conservation area.

The submitted Arboricultural Impact Assessment indicates recommended removal of only a single tree, and this is unrelated to the proposals. All other trees and hedgerows on and around the boundaries of the site are indicated for retention.

I recommend that for long-term retention to be successful no development be planned within the root protection areas (as defined by BS5837:2012) of the retained trees and hedgerows.

The submitted Tree Protection Plan shows the location of temporary tree protection fencing around 1 tree (T10). The specification for the fencing is appropriate. The proposed fencing locations have been devised to facilitate the proposed installation of new surfacing to be laid in part of the root protection area of the tree. A recommended specification for a special type of surfacing (No-Dig Surfacing) is provided on the submitted Tree Protection Plan.

The specification for the No-Dig Surfacing would theoretically allow it to be installed without harm to the tree but it seems unnecessary for this small part of the car park to be formed so close to the tree. Only a relatively small area of the proposed car park lies within the root protection area, and I suggest that the layout plan be modified slightly to exclude all development from this trees root protection area. If this could be agreed with the applicant then the fencing could simply include all of the root protection area of this tree, which would be much preferable in terms of tree protection.

The submitted Tree Protection Plan does not show any temporary protection fencing for the retained hedgerows. I recommend that all retained hedgerows within and forming the boundaries of the site should be protected with the same specification of fencing as provided for T10. The fencing should be located 3m from the stems of the hedgerows with no development (including new surfacing) within the protected areas. This may need the proposed surfacing to be pulled back slightly from the hedgerows if sufficient distance between the hedgerows and the proposed new surfacing does not exist in the current proposals. Alternatively, the 'No Dig Surfacing' specification as provided on the submitted Tree Protection Plan should be used if surfacing cannot be avoided within the root protection areas of the hedgerows.

Landscape

The site currently consists of grassy paddock which appears to occasionally be used for car parking for the pub and/or the campsite attached to it. It is clearly visible from the adjacent road from which it is separated only by a low hedge and narrow verge. The proposed formation of a surfaced parking area will impact the views of road users from the road out over the surrounding countryside across the site, particularly when cars are parked on the site. Views from the road across the site are currently open and long distance giving the impression of being in the countryside. In my opinion the proposals will have a significant negative impact on the views from the road and the character and appearance of the site when viewed from the road.

The roadside hedgerow could potentially be managed to grow taller and thicker to provide some screening of the development from the road, but this would also obscure the current long-range views and so would not necessarily be beneficial.

I am also concerned about the size of the proposed car park, which seems perhaps excessively large for a country pub. I recommend that the size of the car park be limited to that which is absolutely necessary to accommodate cars of customers at the pub, thereby minimising its impact in the countryside.

The proposed surfacing of the car park appears to be gravel. I recommend that its visual impact could be reduced by replacing this with 'grassblock' (see <https://grasscrete.com/grassblock/>) or similar system, that allows the surface to be resistant to compaction and erosion caused by vehicle movements while allowing grass to grow through. This would reduce the visual impact of the change to the existing grassy paddock.

Environmental Health (Derbyshire Dales)

5.10 I have no objections to this application in principle.

Councillor Lucy Peacock:

5.11 I have spoken to many residents about the proposed development.

Several Middleton residents are in support of the new exit since visibility on exit from the current access point is poor.

However, residents in Middleton and especially Carsington are concerned about possible increases to traffic which increased capacity at the Knockerdown car park might bring. Traffic increases to fill the space allocated to it. The reason this is potentially a problem is that there are 5 pedestrian crossing points in the area, which are potentially dangerous as it is - 4 of the crossings are situated near a bend, resulting in poor visibility, and signage is often obscured by overgrowth. Since this is the case, a possible mitigating measure might be additional / improved signage for the crossings and ideally rumble strips at the approach to the crossings on bends, which would warn drivers and would also alert pedestrians to the presence of vehicles not yet visible.

The signage should be improved anyway, and I'm going to contact DCC separately about that.

6.0 REPRESENTATIONS RECEIVED

6.1 Representations (in some cases multiple) have been received from 117 individuals in objection to the proposed development of which 27 are non-attributable. Comments have also been received from Derbyshire Dales Climate Hub, CPRE Derbyshire, Biggin Parish Council, Hognaston Parish Council, Brassington Parish Council, Bradley Parish Council, Tissington and Lea Parish Council, Kirk Ireton Parish Council and Kniveton Parish Council. A summary of the representations is outlined below.

Objections:

- The application is no different to the previously refused application.
- The public house cannot justify this level of car parking.
- Concerns regarding the level of noise from the site.
- The transport statement states that 100% of visitors would be by car which was not the case previously where visitors would walk from nearby caravan sites.
- The additional exit onto the highway is not required.
- The proposal is centred around the private car and cannot therefore be considered sustainable.
- The controls in place at the Caffeine and Machine operating site are unsuccessful.
- Concerns regarding the safety of highway users and pedestrians.
- The application is a piecemeal approach to the previously refused scheme.
- The idea is good but the venue is wrong.
- The application would result in increase noise and pollution in the area.
- The aim should be to encourage the use of public transport.
- The application will be detrimental to the health and wellbeing of people and detrimental to tourism.
- Concerns regarding the urbanisation of the landscape and the impact of the development on the character of the landscape.
- Other nearby pubs with more trade operate with smaller car parks.
- The development would adversely affect the Peak District National Park.
- Concerns regarding the increased level of light pollution.
- The application will result in nuisance to local farmers
- The development would not serve local people.

- The development will lead to encroachment in the countryside away from buildings contrary to policy S4.
- Concerns regarding the development encouraging racing on nearby roads.
- The previous reasons for refusal still apply.
- Concerns regarding the impact on wildlife and habitats.
- The proposed carpark/pub isn't accessible by a variety of transport modes and does not promote opportunities for sustainable transport and seeking minimal reliance on the private car.
- The addition of a knee rail would not increase the safety of walkers along the footpath.

Non-attributable objections:

- The application goes against all aspects of climate change.
- Concerns regarding noise and air pollution.
- Concerns regarding potential loss of habitats.
- Concerns regarding the urbanising impact of the development and harm to the landscape.
- All objections to the previous application remain valid.
- The development would harm the tranquillity of the area which attracts visitors.
- Concerns regarding highway safety.
- The level of parking proposed is not required by the operation of a pub.

A petition signed by 196 people in objection to the proposed development has also been received.

6.2 Derbyshire Dales Climate Hub:

The Derbyshire Dales Climate Hub objects to this application on the basis of: Environmental damage; ecological and community disturbance.

The application site is close to Carsington Water, which is a large reservoir surrounded by wildflower meadows, native woodlands, ponds and reed beds. The visiting public enjoy the tranquillity of the area to participate in cycling, bird watching, fishing, walking, horse riding and water sports. Carsington Water has become a haven for birds and wildlife and its beautiful natural surroundings attract about a million visitors a year. The Knockerdown was run for many years as a Public House with camping facilities, its services and its patrons' enjoyed activities that sat comfortably alongside those of Carsington Water and the wider rural area.

The Knockerdown Public House operated without causing any annoyance to neighbours or to local villages. It did not disturb the breeding bird or wildlife populations. Nor did it emit pollutants or cause traffic hazards or congestion. By contrast the applicant proposes a development that will be in conflict with the treasured amenities above. In particular the proposed development will not support any of the District's Local Plan or the community aspirations for enhanced biodiversity, a healthier population, a safer place to live and a low carbon sustainable economy.

The proposed development sits in conflict with the environmental objectives as laid out in the Local Plan and National Planning Policy Framework. An environmental objective sets out to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The applicant's proposed development and business aims are diametrically opposed the principles of sustainability.

6.3 Biggin Parish Council:

We strongly object as this application by Caffeine and Machine will affect all neighbouring parishes and their residents and the community on a whole and Business's.

This application is not sustainable and proposes further urbanisation to this site affecting essential wildlife and the character and appearance of a country public house set in a quiet rural part of Derbyshire where local walkers, cyclists, and horse riders along with visitors enjoy the open countryside and the facilities at the Carsington reservoir.

The business of the applicants Caffeine and Machine caused great distress and objection with their first application, this type of business is not suited to this area and would destroy the current peaceful countryside location, it would massively affect local business, deterring visitors and holiday makers from visiting this area.

Air quality would be reduced and a general disturbance to the rural environment of Carsington and the villages around.

This proposed business would not sit well in the rural countryside and would harm the character and appearance, it would deter wildlife and generally cause disruption.

The previous application was refused with great relief to all and now a second application has been submitted with a different approach.

Increased parking seems unnecessary for the size of the pub/restaurant here at the Knockerdown which is a relatively small establishment and gives the impression the applicant is now taking incremental steps to obtain the planning requirements desired bit by bit resulting in the previous application.

Other public houses in the area have similar sized car parking to what is currently there at the Knockerdown and is sufficient and retains the rural character.

The Knockerdown pub has been a great family pub for many years and serving locals, holiday makers and families and has been a great loss since closing particularly to nearby campsites. The renovation of this pub and opening to serve locals and families as well as holiday makers would be welcomed however the applications once again by the owners are strongly opposed and destructive to the community.

Caffeine and Machines business proposal would require removing grassland and hedges to replace with stone and created a hard surface of which is not sustainable, and we need to retain grassland for drainage as well as our wildlife of which are of great importance to the climate change.

The additional entrance /exit from the B5035 along with increased vehicles attracted to this business would cause further harm and potential accidents with not only other motorists/motorcyclists but this road is regularly used by cyclists, pedestrians, horse riders. The proposed second entrance would increase the danger of highway accidents; it sits very close to the junction to the Carsington bypass. This is an extremely busy rural road with not only vehicles but pedestrians and cyclists as well as horse riders and motorcyclists.

The pull out from the junction is difficult at present, with an almost crossroads layout so an additional entrance would escalate this.

In conclusion the Biggin Parish meeting representing residents from the parish strongly ask for this application to be refused.

6.4 CPRE Derbyshire:

I am writing on behalf of CPRE Derbyshire, the countryside charity, to register an objection to the above planning application. We objected in the strongest terms to the previous application for this site (22/01011/FUL), on the grounds that the size and nature of the development would be damaging to the rural nature of the area, and contrary to policy in relation to development in the countryside. We are concerned that this latest application, to increase the size of the hard standing parking area from 29 to 99 spaces, is not justified for the purpose of supporting a rural pub business and may be an indication of the applicant's intention to establish a much larger, car-based facility there in the future.

Derbyshire Dales planning policy, as outlined in the adopted Local Plan, is to support the provision of car parking spaces only insofar as they are necessary to support local business or residential facilities. Since the Knockerdown pub has operated successfully in the past with the current car park size, this massive increase does not appear to be necessary. A modest increase, provided the new spaces were accommodated on permeable grass-based surfaces and landscaped effectively, may be justified, but the business reasons would need to be clear from the outset and explicit conditions attached as to the future use of the business premises.

In our view, the reasons for the refusal of the previous application for this site are still relevant. The expansion of a car-based facility on this site would constitute an unsustainable form of development in the countryside and be contrary to both local and national policy. In our previous objection, CPRE Derbyshire set out our views on the character and tranquillity of this area and the ways in which these would be damaged by inappropriate development on the Knockerdown site. We believe these current proposals are not justified and would encourage unwarranted road traffic and noise into the local and surrounding communities.

6.5 Hognaston Parish Council

Although the application site does not lie within the Hognaston parish boundary, councillors and parishioners believe that the plans will have a detrimental impact on residents, our communities and the wider countryside setting that we live in. The Parish Council agreed to object to the application for the following reasons:

Road safety and highways concerns

- The proposed development will significantly increase the number of visitors and vehicles into the area. With plans for 99 parking spaces, there will be a substantial increase in traffic volumes and risks to road safety.
- The plans will leave the site with two entry points onto the main road. The existing one already has poor visibility and the second one will be no better. Furthermore, there are already 8 junctions within 1 kilometre of the site and more will only create further highways safety concerns.
- Speeding along the Dam Road, the B5035, through Hognaston and all nearby villages, is an existing and serious problem. The proposals will attract more high-performance vehicles and motorbikes which will increase the risk to pedestrians and other road users.
- We are concerned for pedestrian safety along the B5035 where numerous crossings are used by walkers and cyclist. There have been endless reports of near misses at these crossings and more traffic will only increase the risks to walkers and cyclists.
- Over the years, there have been a number of highways-related fatalities on the B5035 and nearby roads. Rising numbers of speeding cars and motorbikes will only increase the dangers on our local roads.
- The fact that some footpaths in the parish are only accessible and connect by walking along roads is a further concern if traffic volumes go up.
- The site lies within an agricultural area that has large agricultural vehicles and horse riders using the roads. Traffic, therefore, needs to be kept to a minimum.

Objections to development of the site

- The Parish Council notes that the applicant applied for planning permission on this site several months ago, but for a much larger commercial development. This was refused by the Planning Committee. The Parish Council is concerned that the applicant is still intent on developing this site beyond the car park and as previously planned. The applicant is attempting to get planning approval using a piecemeal approach.
- The proposals raise concern about the creeping urbanisation and development of the open countryside around Hognaston and Carsington. The area is already losing its identity as a tranquil, rural setting and place to live.
- The increase in car parking will lead to further commercial pressure on an area of natural beauty and the countryside. With limited services and facilities, any increase in visitors and traffic will have a profound and detrimental impact on local infrastructure and the highway network.
- Development of the site will increase noise and light pollution in the open countryside. Residents living in nearby villages are already subjected to this and the proposals will only exacerbate the existing problem.
- There will be a loss of soak-away ground if it is replaced with a hardstanding surface. This could lead to localised flooding on nearby roads, as well as agricultural and camping fields.

6.6 Bradley Parish Council:

I have been tasked by my Council to submit an objection to the above application on grounds of scale, impact on local amenities/environment and sustainability.

6.7 Brassington Parish Council:

The objections to this application come from a majority of councillors (4 against; 2 for; 1 abstention).

- The application calls for an increase from 29 to 99 parking spaces. There is no evidence of need given for such an increase.
- The pub has always been very successful, and the parking has always been sufficient for those people who travel by car.
- A large number of visitors walk or cycle, negating any need for more parking space.
- The resulting increase in traffic and the proposed entrance/exit onto B5053 in the vicinity of an already busy road will not only urbanise the area, but also severely heighten danger to walkers, cyclists and horse riders in what is at present a rural area of character and attractive landscape.
- The new development would result in the public footpath running through the car park. Walkers would have to navigate potential danger from cars reversing and parking.

6.8 Tissington and Lea Hall Parish Council:

Tissington & Lea Hall Parish Council wish to object to this application on the grounds that it will bring urbanisation of the countryside and will have a detrimental impact on the locality and local road networks. The Parish Council does support most commercial businesses however they are against this application for the reasons mentioned.

6.9 Kirk Ireton Parish Council:

Kirk Ireton Parish Council wishes to object to this application as Councillors consider that the size and nature of the development would be damaging to the local area and will greatly increase the amount of traffic on an already busy and dangerous road and is likely to encourage additional traffic of the narrow lanes to nearby villages.

6.10 Idridgehay & Alton and Ashleyhay Parish Council:

I'm writing to you on behalf of Idridgehay & Alton and Ashleyhay Parish Council; following the Councils last meeting, the Council agreed to contact DDDC to comment against the approval of the following planning matter: 23/00566/FUL.

In summary, the Council is opposed to the approval of planning permission for the development on the following grounds of concern: Noise pollution, light pollution, and the impact on the rural character of the surrounding area.

The Council believes that potential noise pollution generated by the site would have a detrimental impact on the amenity of residents of the area and the potential to impact further afield as to concern local parishioners. Furthermore, the Council is concerned that the noise pollution caused by the potential traffic and events would have an adverse impact on the local wildlife in the immediate area of the development.

In regard to the Council's concerns about the development's potential to inflict light pollution and its impact on the rural character of the area, the Council believes explicitly the amount of lighting proposed for the public areas, and the uplighting of the trees within the development would be more in keeping with an urban town area, rather than that of the current rural countryside location which the proposed site resides in, as well as further impacting the local wildlife.

It is also the view of the Council that the development has given no consideration to the impacts the site would have on the local rural countryside or offered any means by which to mitigate the impact the site would have on the aforementioned areas of concern as would be expected in accordance with the National Planning Policy Framework.

6.11 Kniveton Parish Council:

All members were unanimous in their objections. This scheme is similar to the previous application which was rejected by the planning committee in December 2022.

The new application increasing hard standing parking to 60, making a total of 89, is completely unacceptable and is virtually the same application as before, but without the new building. In simple terms, applying by stealth.

The additional entrance/exit onto the B5035 will result in further accidents. The road is extremely busy already with motorcycles causing unnecessary speed and noise on their way to Matlock Bath. The road is currently used by cars, cyclists, horse riders and pedestrians.

The new development would result in the footpath running through the car park and pedestrians having to navigate dangerous movements from high performance vehicles. The Knockerdown was always a successful pub, never needing a huge increase in parking.

The Local Plan states the policy numbers this application should conform to and should only represent sustainable growth in tourism in locations where needs are not met by existing facilities in the area. This application does not conform to these policies and is totally unsustainable.

This development will bring absolutely no benefits to the area and will only attract high performance car enthusiasts who do not live here, but create danger for those of us who do, together with CO2 emissions, road dangers and no footpaths.

We live here because we love the countryside and tranquillity which we must fight to maintain. for ourselves and for the many visitors who chose to come here because of it. Kniveton Parish Council ask you to record our objections to this application.

7.0 OFFICER APPRAISAL

7.1 This application follows the refusal of planning permission under application ref. code 22/01011/FUL for the change of use of the existing public house and associated land to a mixed-use comprising coffee house, bar & restaurant and place of assembly & leisure including functions, event and display areas, and ancillary retail use. The erection of a retail and coffee shop (including additional toilets); formation of additional car parking; formation of new vehicular access; groundworks to create external seating and display areas; landscaping and drainage infrastructure and other associated works. This application was refused for the following 3 reasons:

1. *The remote location of the site and lack of infrastructure for employees and visitors to be able to access it by foot, cycle or public transport is such that the proposed change and intensification of use would constitute an environmentally unsustainable form of development in the countryside that would be contrary to Policies S1, S4 and EC1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework (2021).*
2. *The siting, scale and nature of the new building and hardstanding areas would have a significant urbanising effect that would fail to respect the character, identity and context of this part of the countryside and local landscape contrary to the requirements of Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).*
3. *Insufficient information has been submitted in order for the Local Planning Authority to be satisfied that the development would not result in any adverse impacts on protected species and biodiversity. As submitted, it is therefore considered that the development would not comply with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).*

7.2 This application relates solely to the creation of new vehicular parking, creation of a new vehicular egress onto the B5035 and associated landscaping and drainage. There is no longer any change of use of the existing public house, or any additional buildings proposed and any impact of such a change of use or new buildings are therefore no longer matters which are material to the consideration of this application. As there is no change of use or increase in floor area of the public house, it is considered that the proposed development cannot constitute an intensification of the existing business.

7.3 On the basis of the above, the matters which are considered to be relevant to this application are considered to be:

- The principle of development
- Impact on character and appearance of this part of the countryside and the local landscape
- Impact on residential amenity
- Impact on highway safety
- Impact on biodiversity

Principle of development

7.4 The application site is located outside of any settlement boundary defined by policy S2 (Settlement Hierarchy) and as a result, the principle of development should be assessed against policy S4 (Development in the Countryside) of the Adopted Derbyshire Dales Local Plan (2017).

7.5 Policy S4 outlines a number of types of development which would be acceptable in countryside locations. Of most relevance to this particular case following the omission of any proposed new buildings, change of use of the pub or intensification of the site, policy S4 states that planning permission will be granted for development where:

- k) It preserves and/or enhances the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park;
- m) It does not lead to excessive encroachment or expansion of development away from the original buildings.

- 7.6 Concerns have been raised by local residents with regard to the principle of the proposed level of parking being provided to serve the public house which has previously operated successfully with the existing 29 space car park and 38 space overflow. Policy HC21 (Appendix 2) of the Adopted Derbyshire Dales Local Plan (2017) relates to car parking standards and sets out the maximum parking standards for various uses of building.
- 7.7 In relation to food retail units these maximum standards only apply over a threshold of 1000m² of gross floor space. There is no threshold for public houses and in any case the Knockerdown falls well below the threshold for retail units. There is therefore no maximum level of vehicular parking outlined with the Local Plan. Therefore in principle the proposed development is acceptable subject to an assessment of impact as required by policy S4 and other material and technical issues.

Impact on character and appearance of this part of the countryside and the local landscape

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of the existing settlement. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales' townscapes and landscapes.
- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 In this case, the site is visually prominent from both the B5035 and Carsington public footpath 8 which crosses the site. It is also noted that concerns have been raised by both local residents and the Tree and Landscape Officer (Derbyshire Dales) regarding the visual impact of the proposed development.
- 7.12 There is an existing low-level hedge along the edge of the B5035 which would partially screen views of the newly surfaced overflow car park and the proposed extension to the car park. This hedgerow would be further strengthened by additional tree planting both along the boundary and within the site. The proposed car park is largely in line with the existing hard surfaced car park to the north and there is minimal encroachment into the countryside to the east of the site and a logical visual boundary to the development created with the countryside beyond. The proposed development would closely reflect the parking facilities on the opposite side of the B5035 which serves the Knockerdown Holiday Cottages both in terms of visual appearance and the crushed gravel finish of the surface.
- 7.13 Based on the above, it is considered that subject to the proposed landscaping being secured by condition the proposed development would have limited impact on the character and appearance of the site and would not unacceptably encroach into the countryside in accordance with policy S4.

Impact on residential amenity

- 7.14 Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017 requires the development "achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, and overbearing effect, noise, light pollution or other adverse impacts on local character and amenity"
- 7.15 Due to the isolated location of the site, there is not considered to be any overlooking or overshadowing caused by the development. The main concerns raised by local residents relate to noise and light pollution from the development.
- 7.16 The proposed external lighting is set out on the submitted plan 6902(P)23_503-200 (A) and seeks to minimise direct upward light in an attempt to reduce light pollution from the site. The lighting proposed is contained to low level bollards within the car parking area and low-level lighting at the entrance to the site. If this was deemed to be excessive, the District Council could include conditions limiting the time or luminance of the lighting proposed to mitigate any significant light pollution created. The proposed external lighting is not deemed to result in any excessive light pollution in the area.
- 7.16 With regard to noise pollution, significant concerns have been raised due to the potential nature of the business encouraging various types of cars for display and the potential for associated noise from such vehicles. In this regard, planning permission is sought solely for the extension to the car park and associated works, there is no change of use of the site proposed.
- 7.17 The Local Planning Authority must determine the application on its own merits and on the basis of material planning considerations and not on the basis of the identity of the applicant or any particular occupant. Any planning permission runs with the land and the occupant of a development will typically change over time. There is no control over the type of vehicles in which members of the public will visit the public house. The Local Planning Authority cannot assume that visitors to the site would engage in anti-social behaviour or that vehicles would be leaving the site in a loud and unsafe manner as has been suggested in the representations received. If this were to occur it would be a matter for the police and/or Environmental Health under environmental health regulations with regard to any noise nuisance arising.
- 7.18 Overall, the proposed development is considered to retain a satisfactory relationship with surrounding developments and residential properties. The development is therefore considered to remain in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on highway safety

- 7.19 A large number of concerns have been raised by Local Residents with regard to the impact of the development on highway safety. The concerns relate to both the introduction of a new access point off the B5035 and due to the increase in number and type of vehicle traffic which will be attracted to the area due to the nature of the proposed development.
- 7.20 Policy S4 (Development in the Countryside) requires states that planning permission will be granted for development where "it will have a safe access and will not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network, or require improvements or alterations to rural roads which could be detrimental to their character". Policy HC19 (Accessibility and Transport) further seeks to ensure that "development can be safely accessed in a sustainable manner".
- 7.21 The application has been submitted alongside a transport statement (DTA, 2023). Comments have been received from the Local Highway Authority having regard to the submitted plans and transport survey. The Local Highway Authority had no objection to the

more significant development proposed under 22/01011/FUL and have similarly concluded with this reduced application that subject to conditions, the development would not have a significant adverse impact on capacity or safety of the local road network.

7.22 Whilst the concerns of local residents are acknowledged, the Local Highway Authority do not deem the impact of development to be significant on the safety of highway users and the wider road network such that a recommendation of refusal on highway grounds could be sustained at appeal. As a result, the development is considered to be in accordance with policy S4, HC19 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on biodiversity

7.23 Concerns have been raised by local residents with regard to the impact of the proposed development on the habitat of local wildlife on site. The development area does not form part of any internationally or nationally designated site.

7.24 Policy PD3 (Biodiversity and the Natural Environment) seeks to protect, manage and where possible enhance biodiversity by ensuring that development will not result in harm. Development will not be permitted which directly or indirectly results in significant harm to biodiversity interest unless it can be demonstrated that there is no appropriate alternative site available, statutory and regulatory requirements have been satisfied and appropriate conservation and mitigation measures are provided.

7.25 The applicants have provided a Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, 2023) which has been considered in the formal consultation response from Derbyshire Wildlife Trust. It is accepted by Derbyshire Wildlife Trust that subject to the development being carried out in accordance with the recommendations within the submitted assessment that the development would not result in any adverse impacts on any protected species on site.

7.26 Given the loss of 0.2 ha of "other neutral grassland" as a result of the proposed development it is also considered to be necessary to secure the proposed enhancement measures identified by the submitted report by condition.

7.27 Subject to the above conditions, the proposed development is not considered to result in any adverse impacts on any protected species or other wildlife on site and would therefore be in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Other Issues:

7.28 The Peak District National Park Authority have raised concerns that the development will result in leisure driving in performance cars on the quiet lanes within the National Park. Such activity will result in harm to the tranquillity of the Peak District National Park and detriment to users of the highway network including cyclists and pedestrians.

7.29 The Local Planning Authority is obliged to have regard to the purposes of a the Peak District National Park in determining the twin purposes of a National Park are: (i) to conserve and enhance natural beauty, wildlife, and cultural heritage; and (ii) to promote opportunities for the understanding and enjoyment of the Park's special qualities. This is reflected in Local Plan policies which seek to protect the setting of the Peak District National Park.

7.30 The application site is located approximately 3.2km (2 miles) from the boundary of the National Park (measured in a straight line to the nearest point). It is therefore unlikely that the development would lead to any direct impact upon the National Park. The concerns in regard to traffic travelling to or from the application site are understood. However, as set out

above the site has a lawful use as a public house and this application does not propose any change of use. There is no control over the type of vehicles in which members of the public will visit the public house. The Local Planning Authority cannot control which route visitors would approach or leave the site or assume that visitors to the site would engage in anti-social behaviour or that vehicles would be driven in the local area or National Park in a loud and unsafe manner. The development would therefore not result harm to the special qualities of the National Park.

7.29 Associated with the increased level of vehicular parking on site the applicants are proposing to install 5 electric vehicle charging points and a sustainable urban drainage system to serve the development. It is considered that these measures would be commensurate with the scale of the proposed new car parking facility and would be acceptable in terms of mitigating the effects of climate change in line with the aims of policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) and the Climate Change SPD (2021).

7.30 Concerns were initially raised regarding the potential obstruction of the Carsington public footpath route 8 which crosses the site. Amended plans have since been received from the applicants which include a revised layout and the loss of 10 parking spaces in order to allow for a 2m wide, gravelled route through the site with a knee rail either side to protect footpath users from vehicles on site. As set out in the further response from the Rights of Way Officer (Derbyshire County Council), these amendments are considered to be sufficient in securing a continued safe and attractive route through the site following the development.

Conclusion

7.31 Taking the above into consideration and subject to conditions the application satisfies the relevant provisions of the Adopted Derbyshire Dales Local Plan (2017) and the policies within the National Planning Policy Framework (2021).

7.32 A recommendation of approval is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

- 2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans:

- (P) 23_300 1-100 Comparative Site Section 1 West Facing (A)
- (P) 23_302 1-100 Comparative Site Section 3 East Facing (A)
- (P) 23_501-500 1-500 Proposed Site Plan (A)
- (P) 23_502-200 1-200 Proposed Site Detailed Plan (A)
- (P) 23_503-200 1-200 Proposed External Lighting Plan (A)
- (P) 23_504-200 1-200 Proposed Landscape Plan (A)

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. Prior to the commencement of development, a plan shall be provided which outlines measures put in place to ensure the safety of footpath users during and following the development. Details should also be provided of new signage to warn users of the site of the presence of the footpath and the materials to be used in the construction of the new knee rail. The development shall thereafter be carried out in accordance with the approved details and maintained throughout the life of the development.

Reason:

To ensure the safety of footpath users in accordance with policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before any other works being commenced, excluding site clearance, the new access shall be formed to the B5035 laid out in accordance with the approved plans and provided with visibility sightlines of 2.4m x 122m (in a southerly direction) and 2.4m x 132m (in a northerly direction), the area in advance maintained free of any objects exceeding 1m in height (600mm in the case of vegetation) relative to the nearside carriageway channel level.

Reason:

In the interest of highway safety and in accordance with policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017)

5. Prior to the access being taken into use a package of signs/markings for the 'one-way' system shall be submitted for approval Once approved they shall be fully implemented on site prior to the access being taken into use and maintained thereafter.

Reason:

In the interest of highway safety and in accordance with policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017)

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

Reason:

In the interest of highway safety and in accordance with policies S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. No vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To preserve protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

8. The precautionary measures detailed in Table 8 of the Preliminary Ecological Appraisal and Bat Roost Assessment (Arbtech, May 2023) shall be implemented in full during site

clearance and development, to safeguard protected species and other wildlife. A statement of compliance shall be submitted to the Local Planning Authority upon completion of works to discharge this condition.

Reason:

To preserve protected species in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9. The enhancement recommendations detailed in Table 8 of the Preliminary Ecological Appraisal and Bat Roost Assessment (Arbtech, May 2023) shall be implemented in full during the course of the development and retained in perpetuity. A statement of compliance shall be submitted to the Local Planning Authority once all enhancement measures are in place to discharge this condition.

Reason:

To ensure a biodiversity enhancement in accordance with the aims of policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the new car park 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.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

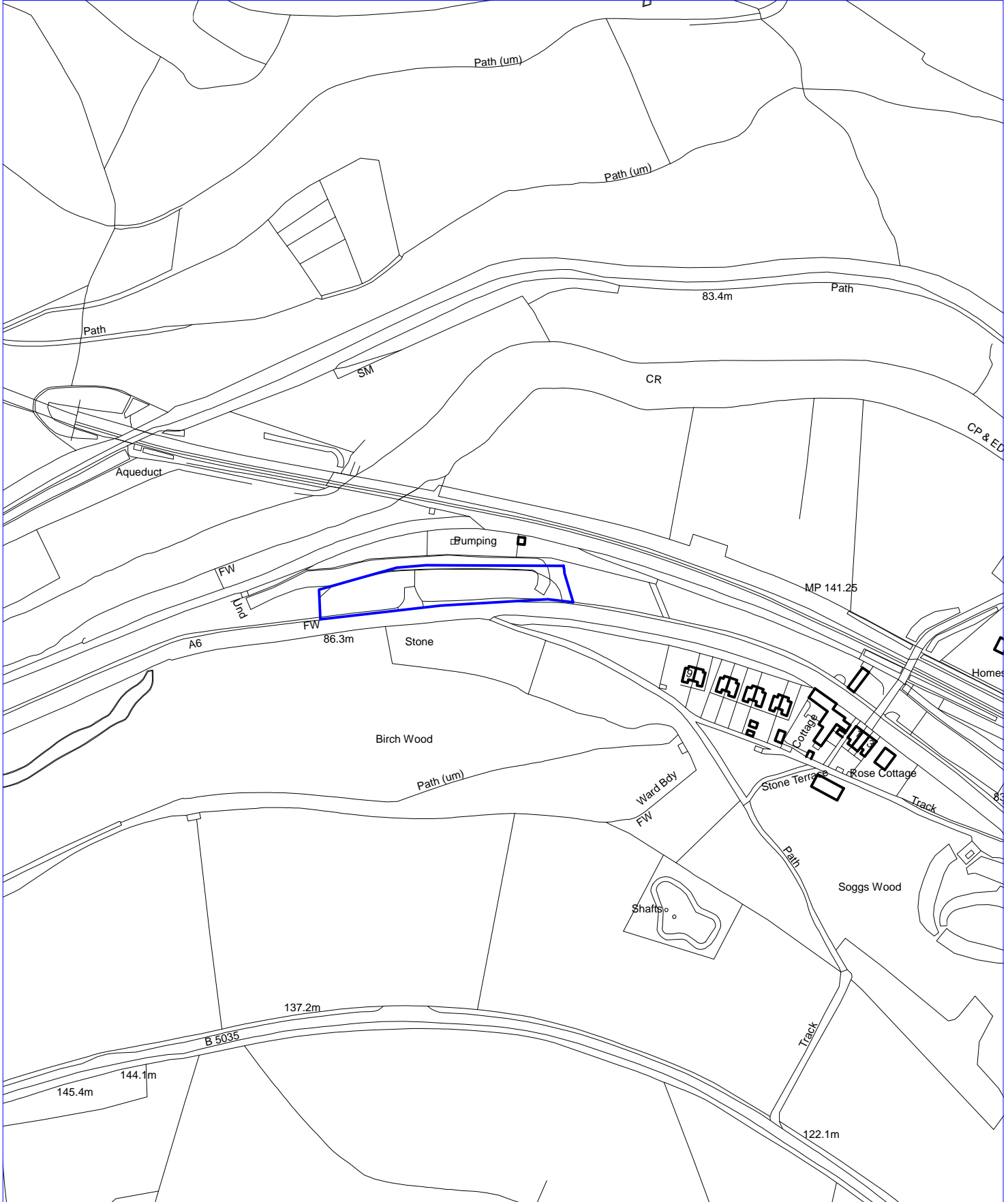
9.0 NOTES TO APPLICANT:

1. The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the proposed impact of the development on the route of public foot 8 (Carsington) and the safety of users of this footpath.
2. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department; Place at County Hall, Matlock regarding access works within the highway. Information, and relevant

application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roadstraffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> emailing highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

4. The application site is crossed by a Public Right of Way ((Carsington) Footpath No. 8), as shown on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer or by emailing ETE.PROW@derbyshire.gov.uk.
5. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.

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APPLICATION NUMBER		23/00630/FUL	
SITE ADDRESS:		The Woodyard, Derby Road, Homesford, Matlock	
DESCRIPTION OF DEVELOPMENT		Change of use of land to 8 no. pitch traveller site with associated new access (Resubmission)	
CASE OFFICER	Mr Chris Whitmore	APPLICANT	Mr And Mrs P & A Hodgkinson
PARISH/TOWN	Wirksworth	AGENT	Mr Alan Yarwood
WARD MEMBER(S)	Cllr. D Greatorex Cllr. L. Peacock Cllr. P. Slack	DETERMINATION TARGET	9 th August 2023 (Extension of Time agreed up to the 15 th September 2023)
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on the character and appearance of the area and the Outstanding Universal Value of the World Heritage Site

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Planning policy context • Suitability of the location • The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site • Highway considerations • Flood risk and drainage • Land stability, contamination, services and amenity impacts • Impact on trees, biodiversity and wildlife

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 The site covers a 0.33ha area of flat, open land bound by a woodland of mature trees to the north, east and west. The woodland is subject to a Tree Preservation Order (DCC/TPO/115/A5). The southern boundary is open to views from the A6 and bound by a low stone wall. The site is largely down to hardstanding.
- 1.2 The site is within the open countryside and within the Derwent Valley Mills World Heritage Site (DVMWHS). Opposite the site is Birch Wood, which is a Local Wildlife Site and protected by County Council Tree Preservation Order DCC/TPO/115/W7. The site benefits from a double gated access off the A6, which is recessed and centrally positioned along the road frontage.
- 1.3 Part of the site lies within Flood Zone 2.



2. THE APPLICATION

- 2.1 This application is a resubmission of application code ref. 22/00182/FUL, which was refused at planning committee on the 14th June 2022 for the following reasons:
1. *The development would unacceptably urbanise this part of countryside to the detriment of its character and appearance and result in harm to the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site that would not be outweighed by the benefits to be derived from the delivery of an 8 no. pitch traveller site. As such, the proposal fails to comply with Policies S4, PD5 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).*
 2. *The provision of an 8 no. pitch traveller site in this location, with poor access to local amenities and services including schools, shops, health services, and employment opportunities by sustainable means would constitute an unsustainable form of development in the countryside that would be contrary to the aims of Policies S4 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).*
 3. *Insufficient information has been submitted to demonstrate that 8 no. traveller pitches on the site, which lies partly within Flood Zone 2 can be delivered without being vulnerable to flooding and not increasing the risk of flooding elsewhere contrary to the aims of Policies HC6 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021).*
- 2.2 Full planning permission is sought for the same development, with additional information contained in a supporting statement which seeks to address the above reasons for refusal.
- 2.3 The development is almost a carbon copy and utilises plans that accompanied planning application code ref. 15/00642/FUL, which sought planning permission for a 7 no. pitch traveller site and a pitch for a site manager in 2015.
- 2.4 The submitted block plan identifies 7 no. pitches for travellers and a pitch for a site manager. The current access to the site is proposed to be blocked up and the access relocated to the east, where it is proposed to provide two parking spaces and a turning area. The access through the site is proposed to run largely along the southern edge of the site leaving space (1m minimum) for a 2m high timber fence and landscaping between the access and the site boundary wall with the A6. A turning head is proposed at the end to the access to the west.
- 2.5 Other than the site manager's caravan located close to the access, and a small area associated with pitch 8 to the west of the site, the pitches are proposed to be aligned along the north side of the access road; no details have been provided as to how the pitches will be separated. The manager's caravan would be set to the south of the proposed access track but would also be partially screened by the 2m high fence with landscaping set in front of this and behind the boundary wall.
- 2.6 The supporting statement, which accompanies this application mirrors the case that has been put forward by the applicant's at appeal in respect of the refusal of planning application 22/00182/FUL. The pertinent comments made in this statement are addressed in the officer's appraisal section of this report. The appeal in respect of the refusal of planning permission 22/00182/FUL is proceeding under the hearing procedure, with a hearing date set for the 10th October 2023.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC6	Gypsy and Traveller Provision
HC19	Accessibility and Transport
HC21	Car Parking Standards

3.2 National Planning Policy Framework (2021)

National Planning Practice Guidance
Government's Planning Policy for Traveller Sites (PPTS) 2015
Gypsy and Traveller Accommodation Assessment 2015
Gypsy and Traveller Accommodation Assessment 2022 (Draft)
Derwent Valley Mills World Heritage Site Management Plan

4. RELEVANT PLANNING HISTORY

22/00182/FUL	Change of use of land to 8 no. pitch traveller site with associated new access – Refused (Appeal pending consideration)
16/00367/OUT	Erection of two buildings for Uses A1 (Retail), B1 (Business) and B8 (Storage/Distribution) via existing access (outline) – Refused
15/00642/FUL	7no. pitch traveller site and pitch for site manager – Refused – Appeal Dismissed
14/00767/VCOND	Variation of Condition 2 of planning permission 14/00133/FUL to allow for permanent use as a 3 no. pitch traveller site – Refused.
14/00617/FUL	Change of use of land to use for siting of 4 holiday lodges erection of building for stables and store and new access – Refused – Appeal Dismissed.
14/00133/FUL	3 no. pitch traveller site – Granted for temporary period of three years and to be commenced within three years.
14/00117/FUL	Change of use of land to use for siting of 6 no. holiday lodges – Refused.
13/00838/FUL	Change of use of land to use for siting of 8 no. holiday lodges (chalets) – Refused.
08/00891/FUL	Change of use of land and erection of 6 No. wooden camping huts and associated amenities building for tourism accommodation – Withdrawn.
01/07/0536	Erection of agricultural building for livestock and storage of fodder and implements – Granted.

5. CONSULTATION RESPONSES

5.1 Wirksworth Town Council:

No Comment. Ask if the planning officers have established if the Travellers Liaison support this site.

5.2 Derbyshire Wildlife Trust:

No comments received, however, made the following comments in respect of application code ref. 22/00182/FUL:

The application area is stated to comprise made ground in the Design and Access Statement. We request photographs of the site to determine the nature of the habitats present and advise whether any further ecological assessment or biodiversity net assessment is necessary.

The application area falls within a SSSI risk zone, however we do not consider proposals to trigger consultation with Natural England.

Ancient woodlands are present to the north and south of the site, however Birch Wood to the south is separated from the site by the A6 and Lea Wood to the north is separated by the River Derwent and Cromford Canal. As such, there should be no constraints regarding the recommended 15 m buffer zones for ancient woodland. Lighting impacts to surrounding woodland should be considered, however this could be mitigated for through a condition requiring a sensitive lighting strategy.

The database indicates that a Tree Preservation Order(s) is present within the application area. This should be recognised in the site layout and an appropriate level of arboricultural survey and impact assessment provided to inform the application.

No records of protected species exist within the boundary. Reptiles, brown hare and water vole are present in the locality, largely associated with the nearby Cromford Canal and River Derwent. Given that the site is separated from the River Derwent by a track and some woodland, otter and water vole survey is not considered necessary as impacts are unlikely.

5.3 Local Highway Authority (DCC):

Make reference to correspondence with the previous agent and the submission of revised plans which showed passing places within the site and note that these passing places have not been shown.

The Local Highway Authority made the following comments in respect of application code ref. 22/00182/FUL:

Regarding traffic impact associated with development there are no highway concerns raised with regards to the access arrangements onto the highway network or impact on the nearby junction's capacities, the existing network is therefore considered sufficient to be able to accommodate with the proposals without further interventions.

Notwithstanding the details in terms of visibility as shown on the submitted layout drawing it is considered that driver's visibility is acceptable in both directions given the location of the new access arrangement and visibility that can be achieved. Driver's visibility at the access can be secured through condition.

To conclude the scheme proposals can be accommodated into the existing network without detriment to other road users and on this basis, there are no objections to the proposed development from a traffic and highway point of view subject to conditions and informatives.

The applicant's agent subsequently confirmed in writing that they agree to form passing places as previously set out.

5.4 Environment Agency

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

5.5 DDDC Trees and Landscape Officer

No comments received, however, made the following comments in respect of application code ref. 22/00182/FUL:

I am aware that this location was previously granted temporary consent for use as a traveller site.

The site is prominent in views from the adjacent A6 road.

While planting alongside the A6 within the site may help to mitigate the visual impact of the proposals to some extent, the impact of the proposal on the Derwent Valley Heritage Asset would potentially be significant and should be considered by the Case Officer.

5.6 Tree Officer (DCC)

The development lies within DCC TPO 115/A5 which was confirmed in 1971 and protects all trees present at that date or their replacements which have been planted under direction from the Council.

In order to provide sufficient information to accurately assess the likely effects of the proposed development on trees, can we please request further information as regards a full BS5837:2012 Trees in relation to design, demolition and construction.

This report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4).
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

5.7 Derwent Valley Mills World Heritage Site Co-ordinator:

The site lies within the Derwent Valley Mills World Heritage Site (DVMWHS). The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government, is pledged to maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by protecting, conserving, presenting, enhancing and transmitting its culture, economy, unique heritage and landscape in a sustainable manner.

The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

C(ii) That the site exhibits “an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design”;

C(iv) That the site is “an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history”.

The SOUV records that these criteria were met for the following reasons:

C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2020. It has as the first of its nine aims to: “protect and conserve the Outstanding Universal Value of the DVMWHS to ensure its transmission to future generations.” In accordance with this aim, and with reference to the operational guidance in Section 20 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters), and have received the following advice:

The WHS Partnership has been advised there are no further comments to add to the response provided previously. It is essentially the same scheme and the Partnership’s previous comments (repeated below) are still valid.

The proposed development site abuts the A6, a former and historic turnpike road introduced over two centuries ago. The A6 road is one of the key transport routes developed along the Derwent Valley and as such is considered to be an important element of the World Heritage Site in recognition for its contribution to Attribute 4. As defined in the current Management Plan Attribute 4 relates to ‘The further development of industry including the introduction of new modes of transportation and utilities’. Furthermore, the former turnpike road, and its associated structures are included on the Historic Environment Record (HER), for Derbyshire, for its historic significance and its origins as a private turnpike created by Richard Arkwright.

One of the reasons the Derwent Valley was inscribed as a World Heritage Site by UNESCO is because it is an industrial landscape arrested in a rural setting. Consequently, the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, is likely to unacceptably urbanise the setting of this section of the A6, an historic turnpike road. Further, the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage

Site. Therefore, consistent with previous similar applications for the site, the Derwent Valley Mills World Heritage Site Partnership objects to the proposed development in principle.

The Partnership asks that these comments can be considered when a decision is made concerning this development.

Shortly before we received the consultation request on this application, we were invited to comment on the planning appeal concerning the previous application, which is effectively the same as 23/00630/FUL. I attach the Partnership's response, submitted to the Planning Inspectorate earlier this month, for your information, as the comments are relevant to this consultation.

5.8 Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.9 Network Rail:

Network Rail has no objection in principle to the development, subject to a condition to secure a trespass proof boundary treatment to ensure the safety, operational needs and integrity of the railway.

5.10 Derbyshire Gypsy Liaison Group:

Derbyshire Gypsy Liaison Group made an application on this site in 2014 and obtained a 3 year permission, after exhaustive searches for land for a site within the Derbyshire Dales.

We have obtained sites in many district boroughs and this is one of the better places we have identified over the many years we have worked on Gypsy and Traveller planning issues.

We also obtained a permission on land at Watery Lane in Ashbourne but were unable to source funds to develop these much needed sites.

It is extremely difficult for elderly and disabled people to live without adequate facilities and there is a pressing need before we come to yet another winter.

It is understandable that local businesses, (many who have been very kind and supportive of DGLG and the families) would like car parks back for visitors.

The A6 road will soon be open and the visitor parking at the Matlock car parks will increase DGLG fully supports the application.

6. REPRESENTATIONS

Two letters of representation have been received, objecting to the proposed development. In the representations received the following concerns are raised:

Needs of the travellers

- No convenient bus services, shops, schools
- No convenient GP or other health services locally.
- As stated in the Derbyshire Dales Planning minutes dated 22/1/13 regarding a previous application for a traveller site, which was rejected, on the grounds the site does not provide visual and acoustic privacy. My home is set back several metres from the main

A6. I sit behind a thick hedge, double glazing, and a brick cavity wall and can still hear the traffic noise, especially the heavy haulage and quarry traffic that use it. Noise levels in a caravan much closer to the road than me would be considerably higher.

Wood Yard Site History planning etc

- Planning for a hotel was turned down on planning considerations, yellow lines/coming and going onto busy A6 at the former garden centre approximately 1 mile away.
- The Wood Yard Site application for holiday cabins has already been declined on planning grounds (safety, access, impact on a tourist area). Despite two different sites access points being put forward.
- Planning Ref 15/00642/FUL was refused and also refused on appeal in 2016 by the Planning Inspectorate. The Planning Inspectorate cited that the site was "an unsustainable location and that the harm which the development would cause to the area and the World Heritage Site would not outweigh the benefit".
- Planning Ref 22/00182/FUL was refused and is now being reviewed on appeal 10/10/23 by the Planning Inspectorate. 23/00630/FUL has now been submitted as a resubmission of 22/00182/FUL before the hearing on 10/10/23
- The Wood Yard site is within the UNESCO world heritage site and I believe this development would jeopardise this status. The world heritage site status increases tourism. A traveller site at this location would put this at risk impacting the revenue local businesses make from tourism.
- Previous smaller scale proposed developments have been turned down on the size and number of cabins/plots. Eight pitches is a far bigger development and would have a bigger impact and is totally unacceptable.
- The previous planning application for a permanent traveller site, made very recently, was turned down. There should be some restriction in place to prevent similar and even bigger developments to reduce stress due to this never ending flow of applications on all Derbyshire Dales council tax payers.

Developments which require vehicles coming and going have already been rejected on planning grounds for this area of the A6

Site special considerations

- The Wood Yard site is within the UNESCO world heritage site and I believe this development would jeopardise this status. With the world heritage site status comes an increase in tourism. I believe the proposed traveller site at this location would put this at risk with a consequent loss of revenue from local businesses.
- The Traveller families have to be able to conduct their business to earn a living. I appreciate that if you are a traveller you cannot be said to be running a business from home if you do not have a permanent address. However if you are asking that the council provides you with a permanent site you now have a permanent location then you are running a business from home. In effect you are opening a business in a world heritage site. The impact of running a business from any potential site should be taken into account in assessing its suitability with vans and larger driving on/off the site especially within a world heritage.

Site Safety

- The accident statistics for this stretch of the A6 are horrendous including one accident where the air ambulance was called after one car hit the wall of the wood yard itself. The air ambulance had to land within 120m from the site and there have been many fatalities in recent years. It is my opinion that the council will be putting at grave risk the lives of the travellers and their children should they go ahead with the wood yard at Homesford.

- The site is sandwiched between the A6 and a railway line. There is only a footpath on one side which is too narrow to walk two abreast.
- The speed limit of the road is 50mph and has double white lines in the middle and single white lines at the sides. The site is also on a bend.
- The site is narrow and access would mean having to make a 90 degree turn. Towing vehicles would find this most difficult to achieve without overhanging the busy A6. Making a slow turn at this point on the A6 would be very dangerous indeed. Especially for any refuse collection vehicles etc.
- Even with a fence the busy A6 is no area to play near, and one ball over the fence with a child coming out to claim it could be very serious. Also no child is going to stay in its 'designated' play area. The narrow footpath is then all that separates them from heavy high speed traffic.
- With no facilities in the area, as mentioned above, access to and from the site would be significantly increased.
- Developments which require vehicular access to and from the A6 in this area have already been rejected on planning grounds.
- This area of the A6 has seen many serious accidents/fatalities. The air ambulance was called after one car hit the wall of the wood yard itself.
- The site is between the A6 and a railway line. There is only a footpath on one side which is too narrow to walk two abreast.
- The speed limit of the road is 50mph and has double white lines in the middle and single white lines at the sides.

Costs to develop

- Land that couldn't be sold at auction for a guide of £100,000 as late as June 2012 in 2015 was deemed to be worth £170,000 if a traveller site was to be passed. I would presume that another increase in the 'value' of the land will follow is this an appropriate use of taxpayers money. This extra cost cannot be justified.
- The site has no mains water supply, sewage disposal, electricity, or gas and would require significant investment to provide these.
- Significant engineering works would have to be carried out to create the proposed access because of the drop in levels.
- The land is all infill of unknown origin.
- Currently a soil survey is being carried out on the A6 due to a collapsing retaining wall that runs along the A6 up to the side of the proposed site. I believe this site does not offer a cost effective solution for tax payers.

Land Stability

- I believe the land is unstable and is infill.
- The retaining wall alongside the A6 at this location is collapsing and is currently being surveyed.

Representations have also been received from an individual representing the landowner / applicant in support of the proposals. They point officers to the recent call for sites exercise undertaken by the District Council and the following requirements for a permanent site, namely:

- The site could be brownfield land (that means a piece of land that has already had buildings or development on it), but open countryside is also acceptable, sometimes referred to as a Rural Exception Site.
- Ideally, the site should be well screened or capable of being screened, limiting the visibility so that caravans or mobile homes are less visible.

- The site should be close to local amenities. This means reasonably close (usually within 3 to 5 miles) to shops, public transport, schools, etc.
- The site should have a safe entrance and exit on to the highway.
- The site should ideally have services provided to it or be able to have them installed. This means mainly electricity, water and sewage.
- The site should not be in an area prone to flooding. In addition expressions of interest should be made by the landowner or their Agent.

It is considered that the application site meets all of the above criteria.

7. OFFICER APPRAISAL

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.

7.2 Having regard to the case made by the applicant, the planning history of the site, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:

- Planning policy context
- Suitability of the location
- The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site
- Highway considerations
- Flood risk and drainage
- Land stability, contamination, services and amenity impacts, and
- Impact on trees, biodiversity and wildlife

The decision in respect of planning application 22/00182/FUL on the 14th June 2022 for the same development is also a significant material consideration.

Planning policy context

7.3 As set out in the representations received and the case made by the applicant, it was resolved that planning permission be refused for a 7 no. pitch traveller site and a pitch for a site manager under application code ref. 15/00642/FUL in December 2015 on the basis that the development would be detrimental to the character and appearance of the countryside and the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site (DVMWHS) and the unsustainable location of the site and planning application 22/00182/FUL was refused at planning committee on the 14th June 2022 for the same development for the same reasons and also lack of information to demonstrate that the development would not be vulnerable to flooding or result in flooding elsewhere.

7.4 Planning permission was granted for three traveller pitches on the site under application code ref. 14/00133/FUL in June 2014 on a temporary basis, in the absence of any alternative site provision being made at that time. However, the site was not considered suitable to meet the needs of the Gypsy and Traveller community in the long term given the adverse effects on the DVMWHS. It was also recognised that whilst there was public transport within walking distance, access to shops, employment, schools, health services and other services would be likely to lead to a heavy reliance on motor vehicles for residents of the site. As such, it was considered that the proposed traveller site performed poorly against the core principles for sustainable development⁵⁵

- 7.5 As indicated above the Adopted Derbyshire Dales Local Plan (2017) is the current development plan for the area. Within this plan the application site is located within the countryside, and accordingly the principle of development falls to be considered against Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) which lists a number of circumstances where development may be supported.
- 7.6 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that new development proposal within the open countryside should protect and where possible, enhance the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.7 Criterion (i) of Policy S4 is applicable to this application as it supports development of Gypsy and Traveller sites in accordance with Policy HC6 of Adopted Derbyshire Dales Local Plan (2017). Policy HC6 of the Adopted Derbyshire Dales Local Plan (2017) identifies the District Councils obligation to provide for a minimum of 9 Gypsy and Traveller pitches for the period of 2013 – 2033. This was identified through a Gypsy and Traveller Accommodation Assessments (GTAA's) in June 2015 and covered Derbyshire and East Staffordshire jointly.
- 7.8 The Local Plan in 2017 identifies a 0.3ha site in Ashbourne (Land at Watery Lane) as a suitable site to meet 6 of the 9 pitches required. However this site has not, and is unlikely to come forward for development in the near future because the County Council resolved that the acquisition or disposal of property in their ownership, which may be impacted by a future A515 by-pass for Ashbourne should be suspended. Notwithstanding this, Policy HC6 sets out that for all other proposals for Gypsy and Traveller sites not allocated in the Derbyshire Dales Local Plan a criteria based approach to the determination of planning applications for such facilities will be considered and states that the Council will ensure that a five-year supply of specific deliverable sites for Gypsies and Travellers is maintained throughout the lifetime of the plan. This is consistent with the Government's Planning Policy for Traveller Sites (PPTS) 2015 which states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan.
- 7.9 In the determination of applications for Gypsy and Traveller sites policy HC6 advises that the following considerations will be taken into account:
- a) the proposal will not have a significant detrimental impact on neighbouring residential amenity or other land uses
 - b) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area
 - c) the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means
 - d) the site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage
 - e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles
 - f) the site is not situated within an area at high risk of flooding

- g) the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets
- h) the site is capable of providing adequate levels of privacy and residential amenity for site occupiers
- i) the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.

7.10 A new Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment remains in draft form. Although this could change to include any necessary provision within the Peak District National Park (which forms part of the Derbyshire Dales district), it indicates a provisional need to provide 8 pitches up to 2025 and a further 5 pitches up to 2040 in the Derbyshire Dales District, in addition to the 4 occupied permanent pitches within the Derbyshire Dales District at Land East of Grove Lane, Somersal Herbert which were allowed at appeal. Although the District Council is exploring the availability of land for gypsy and traveller sites, there are no other deliverable sites at this time. The District Council cannot therefore demonstrate a five year supply of available sites to meet an identified formal local target (in terms of the need that is underpins the current Development Plan and the draft Gypsy and Traveller Accommodation Assessment).

7.11 Paragraph 4 of the National Planning Policy Framework (2021) states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) and that decisions on traveller sites should also have regard to the Framework so far as relevant. The Planning Policy for Traveller Sites (PPTS) sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The PPTS includes policies on plan-making and on decision-taking.

7.12 Paragraph 24 of the PPTS (2015) states that when considering planning applications local planning authorities (LPAs) should consider the existing level of local provision and need for sites amongst other criteria. Policy H, para 27 of the PPTS (2015), states that the absence of a 5-year supply of deliverable sites should be a significant material consideration in any subsequent planning application when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of planning permission should be granted permanently. The lack of a 5-year supply of deliverable sites to meet identified needs however, weighs in favour of the development and there is a requirement for applications to be assessed and determined in accordance with the presumption in favour of sustainable development.

7.13 Paragraph 24 of the PPTS also requires local planning authorities (LPAs) to consider the availability (or lack) of alternative accommodation for the applicants, other personal circumstances of the applicant and advises that LPAs should determine applications from any travellers and not just those with local connections. In this particular case, the application has been submitted by the landowner and not by the traveller community. The application, however, has the support of the Derbyshire Gypsy Liaison Group on the basis that the families currently sited on Matlock Station Car Park are in desperate need for facilities. Derbyshire Gypsy Liaison Group, however, recognise that a private owner is under no obligation to provide for these families. No mechanism has been submitted as part of this application to ensure that the pitches remain available to Travellers in perpetuity and will be effectively managed to ensure that needs are met going forward.

7.14 Finally Paragraph 24 of the PPTS requires local planning authorities (LPAs) to consider the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that

may come forward on unallocated sites. The criteria set out in Policy HC6 is therefore relevant in this respect.

Suitability of the location

7.15 Part c) of Policy HC6 of the development plan requires that the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means. This aligns with the PPTS which requires that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan.

7.16 Homesford is a small village located outside of the Derbyshire Dales District with a lack of basic facilities to meet day to day requirements. The nearest settlement that could provide basic facilities is Cromford which is some 3km away from the application site. The market towns of Wirksworth and Matlock are approximately 7km away from the site, where a greater range of services and facilities can be found. There are footpaths which link the site to bus stops and services which operate along the A6, however, such services are limited and the vast majority of journeys to and from the site would be by private motor vehicle. This was recognised by the planning inspector when considering application 15/00642/FUL for a 7 no. pitch traveller site and a pitch for a site manager at the site. On this issue the appeal inspector commented as follows:

In this case the appeal site is in generally open countryside and is some distance from the nearest settlement at Cromford. Whilst I appreciate that there is a bus service to Cromford, and reasonable footpath access, I nonetheless consider that the relatively isolated location of the site, combined with the easy road access, would result in the majority of trips being made by car.

7.17 The applicant indicates in a supporting statement, that accompanies this application and forms part of their case at appeal, that undue weight was given in the appeal decision in 2016 to provision in the emerging local plan when dismissing the site as being in an unsustainable location and state that it is no more unsustainable than the site for four permanent pitches at Somersal Herbert which was allowed at appeal. The policy position however remains unchanged and there are material differences between the proposed development and that allowed at Somersal Herbert, where the appellant and their family had established roots in the local area.

7.18 The Council has pledged to re-evaluate the opportunities and scope of looking for a permanent site as well temporary sites that take account of the provision in the north, central and southern areas of the Derbyshire Dales District. This is being undertaken as part of the local plan review process. It is fully aware of the needs of the families who the Council have a legal duty to accommodate and is committed to finding a solution that delivers a permanent site in a sustainable location, enabling ease of access to basic services and facilities. This application and appeal in respect of application 22/00182/FUL have been submitted ahead of the local plan review reaching an advanced stage and consideration of all options to meet this objective. In this context, it is not considered that the proposal can be considered the "only option" to address the need. Such a decision would be premature, particularly having regard to the number and nature of pitches proposed. The reference to the needs and health of the Romany Gypsy family group who the Council has a legal duty to find a site for is at odds with the scale of the development and the unsustainable location of the site. The site would not provide a settled base that reduces the need for long-distance travelling and provide access to basic services and facilities. This would apply equally to the families that the Council has a legal duty to accommodate, assuming that they would be allowed to settle on the site and any other traveller groups / families that the site would be able accommodate in addition to this.

7.19 There have been no material change in circumstances to conclude that the development would now be accordance with sub criteria c) of Policy HC6 or the PPTS. It remains that the site is unsuitably located in relation to services and facilities and employment opportunities.

The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site

7.20 Criteria g) of Policy HC6 of the development plan requires that the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets. The site is prominently positioned within the Derwent Valley Mills World Heritage Site. Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will conserve heritage assets in a manner appropriate to their significance and states that particular protection will be given to designated and non-designated heritage assets and their settings including The Derwent Valley Mills World Heritage Site.

7.21 The National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.22 The Derwent Valley Mills World Heritage Site Co-ordinator has advise that the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, would unacceptably urbanise the setting of this section of the A6, an historic turnpike road. They also advise that the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

7.20 The planning inspector in the consideration of application 15/00642/FUL recognised the duty to conserve heritage assets and gauged there to be less than substantial harm in National Planning Policy Framework terms. In weighing the harm against the public benefits, particularly the provision of a traveller site in a context where there is an acknowledged need for such development the inspector did not consider the public benefit to outweigh the harm to the designated heritage asset. Giving great weight to the conservation of the heritage asset, it was considered the proposal would conflict with national and local policy and would harm the character and appearance of the area and the Derwent Valley Mills World Heritage Site.

7.21 The proposal, the subject of this application would cause the same level of harm to the heritage asset and it remains that the public benefit to be derived from the development would not outweigh this harm.

7.22 Addressing the impact on the character and appearance of this part of the countryside, the extent of screening required is a significant length of 2m high boundary fencing which will present a stark vista to the A6 which would be permeated with views over the fence of caravans and vehicles. In seeking to strictly limit new traveller sites in the countryside, paragraph 25 of the PPTS (2015) advises that weight should be attached to factors such as not over enclosing or isolating a site with hard landscaping, walls and fences. Such an intervention is required in this case to mitigate the adverse harm to the local landscape and heritage asset, resulting in a development that would not be well integrated within its surroundings and would cause significant harm to the character and appearance of this part of the countryside and the outstanding universal value of the World Heritage Site. Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will

seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity and landscape impact amongst other considerations. The policy advises that development will only be permitted if all the following criteria are met:

- a) The location, materials, scale and use are sympathetic and complement the landscape character.
- b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

For reasons set out above the development is not considered to comply with the requirements of Policy PD5.

- 7.23 Notwithstanding whether a material start was made on an application to erect an agricultural building for livestock and storage of fodder application in 2001 on the site, such development is materially different to that which is proposed and would not urbanise the rural setting of the locality to the same extent as an 8 pitch traveller site.
- 7.24 In the supporting statement that accompanies this application the applicant points to an extant permission for an agricultural building to be erected on the site and this being no worse in terms of its impact on the World Heritage Site and advise that the site would be well screened.
- 7.25 The steel shed that was granted planning permission in the latter half of 2001 was approved at a similar time that the Derwent Valley Mills World Heritage Site was designated (December 2001). The building was approved to house livestock and the for the storage of fodder. Given the limited land holding and the fact that 22 years have passed since permission was granted, it is questionable as to whether there is a realistic prospect of this development taking place notwithstanding whether a lawful start was made. Furthermore, an agricultural building on the site has a different impact on the industrial rural landscape than 8 traveller pitches and associated infrastructure. This was recognised by the appeal inspector in respect of appeal code ref. APP/PI045/VV/15/3087227 when dismissing 4 no. lodges on the site. They stated that this permission related to a large agricultural building of semi-circular form and utilitarian appearance; however such a structure is not something that is uncommon in a countryside location. criteria, which the World Heritage Committee agreed were met at the time of inscription, which are set out in the World Heritage Site Co-ordinators comments.
- 7.26 One of the reasons the Derwent Valley was inscribed as a World Heritage Site by UNESCO is because it is an industrial landscape arrested in a rural setting. The World Heritage Site Coordinator has advised that the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, would unacceptably urbanise the setting of this section of the A6. Further, they go on to state that the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. This has not been addressed by the appellant. It is considered that landscaping will screen the development so that it will be unobtrusive. The meagre margin between the highway and development and time for planting to become

establish, particularly having regard to the need for passing places is such that it would not, in the Local Planning Authority's view, form an effective screen. A significant length of 2m high boundary fencing which will present a stark vista to the A6 which would be permeated with views over the fence of caravans and vehicles. The requirement for such screening is both harmful to the WHS and is contrary to paragraph 25 of the PPTS (2015) which advises that weight should be attached to factors such as not over enclosing or isolating a site with hard landscaping, walls and fences.

7.27 The appeal inspector in the consideration of application 15/00642/FUL for essentially the same development and notwithstanding any decision in respect of the current appeal recognised that the provision of eight pitches on the site would be a significant benefit and that the Council did not have a five year's supply of such sites at that time and had regard to the same PTSS, which is still relevant to the assessment of this application. This did not outweigh the unsustainable location of the site and harm to the World Heritage Site. There have been no significant changes in policy, nor are there any other material considerations to indicate that the proposal should now be supported.

Highway considerations

7.28 Policy S4 of the development plan and criteria b) of Policy HC6 requires that the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area.

7.29 The National Planning Policy Framework advises at paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.30 With passing places (which the applicant has agreed to provide and can be controlled by condition), the Local Highway Authority have previously raised no objection to the proposals in terms of the impact on the highway network and safety of road users.

Flood risk and drainage

7.31 As stated by the Environment Agency in their consultation comments the application site lies within Flood Zone 2, which is land defined by the planning practice guidance as having a medium probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that a Flood Risk Assessment must be submitted when development is proposed in such locations.

7.32 Policy PD8 of the development plan deals with flood risk management and advises that the management of flood risk will be achieved by only permitting development within areas at risk from flooding as defined by the Environment Agency if a site specific flood risk assessment shows that the site is protected adequately from flooding, or the scheme includes adequate flood defences or flood risk management measures and takes account of the predicted impact of climate change amongst other considerations. The National Planning Policy for Traveller Sites indicates that particular regard should be given to the risk of flooding when considering applications for traveller sites due to the vulnerable nature of caravans and paragraph f) of Policy HC6 requires that the site is not situated within an area at high risk of flooding.

7.33 Officers recognise that the site is level with the A6 and comprises mainly built up ground, however, it is for the applicant to demonstrate that the site would be protected adequately from flooding. Without a flood risk assessment or consideration of this matter, the Local Planning Authority cannot be satisfied that the site would not be vulnerable to flooding and will not increase the risk of flooding elsewhere contrary to the aims of Policy PD8 and

national planning policy guidance. The correspondence from the Environment Agency in respect of this and the previous planning application is considered to be the most up to date / relevant, notwithstanding the email received by the applicant in 2015 submitted with this application and applicant pointing to their comments as a catastrophic error. This Environment Agency would have had access to this correspondence in commenting on this application.

Land stability, contamination, services and amenity impacts

- 7.34 Criteria d) of Policy HC6 requires that a site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage and criteria i) requires that the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation. Similar provisions are included in policy PD9.
- 7.35 Reference is made in the representations received to the site being contaminated and comprising unstable ground. These matters in addition to the provision of appropriate services would be a matter for the landowner or any potential purchaser of the site to consider as part of bringing the site forward for development as a traveller site. Whilst it is accepted that made land has been formed within the part of the site which falls within Flood Zone 2 which may have now taken this out of a flood event, it is unclear as to if this land would not be vulnerable to erosion / the effect of a flooding event.
- 7.36 In the consideration of application 15/00642/FUL the District Council's Environmental Health team raised no objections to the application from a human health perspective. Issues of contamination and the provision of services can be conditioned as part of any decision to approve planning permission and would not constitute a sustainable reason for refusal.
- 7.37 Concern has been raised with regard to the use of the site resulting in nuisance to nearby properties and land uses. The proximity of the site to the nearest receptors is such, however, that the development is unlikely to result in any unacceptable impacts in planning terms.

Impact on trees, biodiversity and wildlife

- 7.38 Concern has been raised that no information has been provided by the applicant to assess the impact of the proposal on trees and their roots. The development appears to be concentrated on the made ground. Although the depth of the site is constrained by tree planting, consideration can be given to the impacts of any further hardstanding areas / development on existing trees through the use of a planning condition to ensure no detrimental impacts on these important landscape features.
- 7.39 The Development Plan (policy PD3) seeks enhancement of biodiversity and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force. The application site area is limited to the existing areas of hardstanding and made ground and is of limited biodiversity value. To ensure no loss of biodiversity on site, it will be necessary to retain and supplement and landscape features to be affected by the development. There is also opportunity to enhance the existing habitat surrounding the site, within the control of the applicant. This could be conditioned as part of any planning permission and conditions imposed to not adversely affect any existing wildlife. As such, biodiversity impact and loss would not be a sustainable reason for refusal in officer's view.

Summary

7.40 In summary it is recognised that there is a clear need for traveller sites in the district and that the council does not have a five-year supply of sites at this time. The provision of 8 no. pitches therefore weighs in favour of the development. However, it remains that the unsustainable location of the site and harm to the character and appearance of the countryside and this part of Derwent Valley Mills World Heritage Site weighs significantly against the development and would not constitute a sustainable form of development when considered against the relevant provisions of the development plan and national guidance in the round. Where there are no relevant development plan policies or they are out of date, if there are clear reasons for refusing development to protect areas or assets of particular importance, there is no requirement to apply a tilted balance in favour of the development proposal. Furthermore, the site lies within Flood Zone 2 and without a site specific flood risk assessment, the Local Planning Authority cannot be satisfied that the site would not be vulnerable to flooding and will not increase the risk of flooding elsewhere contrary to the aims of Policy PD8 and national planning policy guidance. It is recommended that the application be refused for these reasons.

7.41 Although the applicant considers a previous permission for an agricultural building on the site in 2001 to be of relevance, this relates to a development of a different nature to that being applied for, notwithstanding whether a lawful start was made, which had a differing impact on the rural setting of the landscape and its contribution to the DVMWHS. The appeal inspector in the consideration of application 15/00642/FUL recognised that the provision of eight pitches on the site would be a significant benefit and that the Council did not have a five year supply of such sites and had regard to the same PTSS, which is still relevant to the assessment of this application. It is considered that appropriate weight was given to the lack of a 5-year supply of Traveller pitches and the weight to be applied to existing and emerging development plan policies and other material considerations at that time. Notwithstanding the additional information and justification provided by the applicant as part of this application, this does not change the assessment in favour of the application in officers' opinion, in terms of the requirements of Policy HC6 and all other material considerations. A recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

8.1 That planning permission be refused for the following reasons:

1. The development would unacceptably urbanise this part of countryside to the detriment of its character and appearance and result in harm to the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site that would not be outweighed by the benefits to be derived from the delivery of an 8 no. pitch traveller site. As such, the proposal fails to comply with Policies S4, PD5 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).
2. The provision of an 8 no. pitch traveller site in this location, with poor access to local amenities and services including schools, shops, health services, and employment opportunities by sustainable means would constitute an unsustainable form of development in the countryside that would be contrary to the aims of Policies S4 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).
3. Insufficient information has been submitted to demonstrate that 8 no. traveller pitches on the site, which lies partly within Flood Zone 2 can be delivered without being vulnerable to flooding and not increasing the risk of flooding elsewhere contrary to the aims of Policies HC6 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

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

This Decision Notice relates to the following documents:

Application Form for Planning Permission;

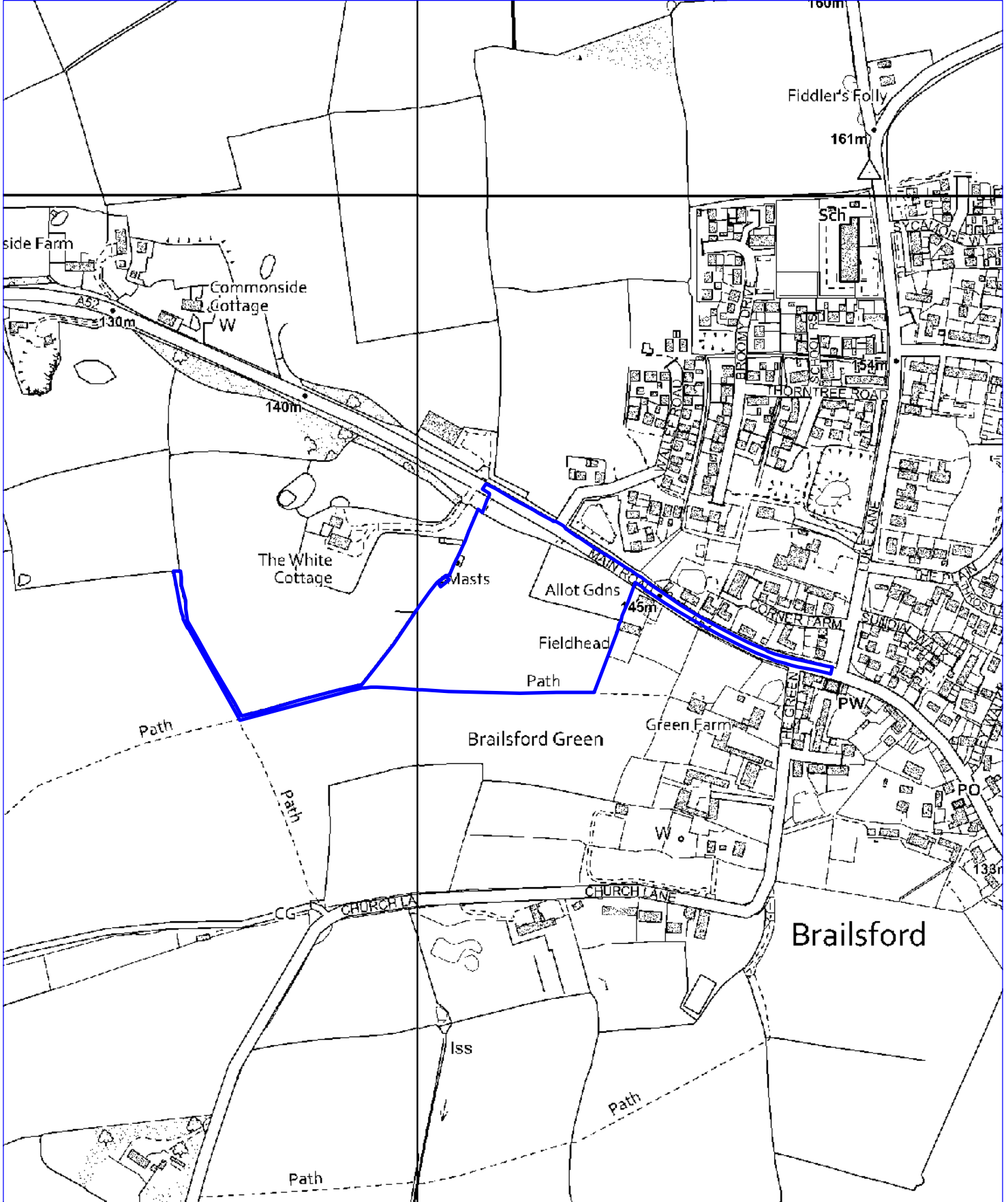
1:1250 Scale Site Location Plan;

1:500 Scale Existing Block Plan;

1:500 Scale Proposed Site Layout / Block Plan numbered SG.15.1 and associated annotations, and;

Documents Titled Design and Access Statement and Supporting Statement received by the District Council on the 14th June 2023.

23/00616/OUT
Land South of Main Road, Brailsford



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APPLICATION NUMBER		23/00616/OUT	
SITE ADDRESS:		Land South of Main Road, Brailsford	
DESCRIPTION OF DEVELOPMENT		Outline planning application for a mixed-use development of up to 75no. dwellinghouses and a commercial development (Use Class E) with approval being sought for access (revised scheme)	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr Tom Goodall
PARISH/TOWN	Brailsford	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Geoff Bond	DETERMINATION TARGET	14.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether residential development on this site is acceptable in principle • Whether a commercial development on this site is acceptable in principle • Impact on cultural heritage • Landscape impact and impact upon the character and appearance of the area • Transport and impact on highway safety • Impact upon the amenity of neighbouring properties • Sustainable building and climate change • Flood risk and drainage • Impact on trees and biodiversity • Affordable housing, housing mix and developer contributions

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site is located south of the A52 (Main Road) on the western edge of Brailsford and is known as Brailsford Green. The site comprises 3.70 hectares of arable land beyond the western edge of Brailsford and south of the recent residential development on the other side of Main Road. Brailsford public footpath no.40 runs through the southern part of the site. The site lies beyond but adjacent to the settlement boundary of Brailsford.
- 1.2 The land slopes gently downwards from Main Road from north east to south west. The field is largely bounded by substantial hedgerows with dispersed mature trees. There is a mature oak tree located within to the southern boundary of the site.
- 1.3 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.
- 1.4 The site lies adjacent to the designated Brailsford Conservation area to the east. There are three Grade II listed buildings adjacent to the site on The Green including Green Farm, Barns south of Green Farm and Old Hall Farmhouse. Grade I listed All Saints' Church is located 430m to the south west of the site.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 75 dwellings and a commercial development (Use Class E) with access included and all other matters reserved. Access would be from the A52 (Main Road). This application is a re-submission following the refusal of application 22/01373/OUT which proposed up to 100 dwellings on a larger site.
- 2.2 An indicative plan shows proposed areas where dwellings would be sited with the access road branching to the east and west to provide access to the dwellings. The indicative plan shows land reserved for commercial development on the north east corner of the site adjacent to the proposed access. The indicative plan also shows landscaping within and to the southern edge of the site, public open green space and balancing pond to the southwest of the site. Two new uncontrolled pedestrian crossing points across the A52 are shown either side of the proposed access along with a 2m footway extending to the existing bus stop to the west.
- 2.3 The development would deliver 30% affordable housing (up to 22.5 affordable dwellings), the application states that housing mix is to be determined at the reserved matters stage but that there would be a broad mix of house types including bungalows, terraces, semi-detached and detached houses comprising of 1, 2, 3 and 4 bedroom units.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S9 Rural Parishes Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC15 Community Facilities and Services
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards
- EC1 New and Existing Employment Development

3.2 Adopted Brailsford Neighbourhood Plan 2021

- H1 Housing
- TMA1 Traffic Management and Accessibility
- LW1 Landscape and Wildlife
- CW1 Community Facilities
- CW2 Community Enterprises

3.3 Other:

- The National Planning Policy Framework (NPPF) (2021)
- National Planning Practice Guidance
- Climate Change Supplementary Planning Document (SPD) (2021)
- Developer Contributions SPD (2020)
- Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

22/01373/OUT	Outline planning application for a mixed-use development of up to 100no. dwellinghouses and a commercial development with approval being sought for access	Refused	15/03/2023
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5.0 CONSULTATION RESPONSES

5.1 Parish Council: Object for the following reasons:

“The future of the GP surgery in Brailsford, Ednaston and Hulland Ward - shared practice - Has been a concern for residents for nearly 2 years. The management group South Dales Health are clear that the practice cannot continue satisfactorily without a new building and facilities - estimated cost circa £2m. They believe that the new build can only be funded from S106 development monies.

At a public meeting held in April 2022 - with over 100 residents in attendance there was a Large majority in favour of no new Development to fund the surgery and the Parish Council has been researching other sources.

The key concerns relating to this development are:

- The continued extension of the village - its move westwards, nearly three times the size in 2013 and its sustainability as a village location.
- This site is outside the agreed development boundary and is adjacent to the conservation area on a site previously ruled undevelopable by DDDC consultants and planners.
- The approval of large estates is contrary to the agreed parameters in our approved Neighbourhood Plan.
- The mix of housing proposed - the village priority is bungalows. DDDC already turned down an application for bungalows on part of the proposed site because it was outside the development boundary and the impact on the conservation area.
- The suitability of the site for a GP surgery and even more so the alternative suggestion of commercial/retail for this location
- Traffic management arrangements.
- Significant additional and large traffic movements in an area already considered dangerous because of speeding traffic entering the village. The Parish Council are pressing to get a speed indicator device for this end of the village.
- At present there is limited safe accommodation for pedestrians, including school children to the new school on Luke Lane. No footpaths outside the proposed development and a substandard (too narrow) pavement outside the existing development. Pedestrian refuges and crossings previously ruled unnecessary or too dangerous by Highways Authority. These are the subject of a longstanding and ongoing dispute with the Planning Authority as conditions imposed on earlier applications have not been fulfilled.
- The school is already overcrowded.

5.2 Derbyshire Fire & Rescue Service

“The following recommendations, whilst they may not be enforceable, are offered as general advice in the interests of greater fire safety.

The Fire and Rescue Authority strongly recommend the installation of a domestic sprinkler system in the above premises, however should you choose not to install a domestic sprinkler

system at this stage, the Fire and Rescue Authority would like to recommend that you provide 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.”

5.3 Derbyshire Wildlife Trust

No response has been received to date on this revised application. Any response received will be updated at the meeting.

5.4 Education Authority

“Primary Level

The proposed development falls within and directly relates to the normal area of Brailsford CE Controlled Primary School. The proposed development of 75 dwellings would generate the need to provide for an additional 8 infant and 10 junior pupils.

Brailsford CE Controlled Primary School has a net capacity for 119 pupils, with 123 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 134.

An evaluation of recently approved major residential developments within the normal area of Brailsford CE Controlled Primary School shows no new developments amounting to any additional primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 8 infant and 10 Junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth Grammar School. The proposed development of 75 dwellings would generate the need to provide for an additional 21 secondary including post 16 pupils.

Queen Elizabeth Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post 16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 21 secondary including post 16 pupils arising from the proposed development.

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £435,973.20 towards the provision of 8 infant and 10 junior places 24 Brailsford CE Controlled Primary School + educational facilities.”

5.5 Environment Agency

No comment.

5.6 Force Designing Out Crime Officer

“As a reduced scheme from the previously refused larger proposal determined earlier in the year, our views over the principle of development have not altered, in that there are no reasons to object for matters relating to crime and disorder, without prejudice to comments on future detail, in the event of outline approval.”

5.7 Highway Authority

“I refer to the above-mentioned enquiry, details of which were registered at this Authority on 15 June 2023 for further consideration and I have the following comments to make.

This proposal is a resubmission of application 22/01373, and provides identical access arrangements to that previously agreed. The primary difference is the quantum of housing has reduced to 75 dwellings, and specifically from a transport perspective, the applicant has concluded that a travel plan is not required.

The transport statement submitted reflects the discussions previously held and is suitable. The previously expressed concerns about pedestrian connectivity have been included as such the site would not have an adverse impact on capacity or safety, and addresses active travel.

The exception to the above is the exclusion of a travel plan. A travel plan is still required for a site of this quantum and as such it is necessary to seek a planning condition and section 106 planning obligation to address the omission of this document.

Whilst this site is not allocated in the adopted local plan, there are no matters arising that result in a safety or capacity concern, as such it is recommended that planning conditions and obligations are included in any positive determination to regulate the development and provide for the absent travel plan.”

5.8 Historic England

No comment.

5.9 Lead Local Flood Authority

No objections subject to planning conditions.

5.10 NHS Derby and Derbyshire Integrated Care Board

“The development is proposing 75 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx. 188 (B) (2.5 x A).

It is unlikely that NHS England or NHS Derby and Derbyshire Combined Care Group (CCG) would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity / infrastructure with existing local practices. The closest practices to this development are;

- Brailsford and Hulland Medical Practice
- Brailsford and Hulland Medical Practice – branch site
- Ashford Medical Practice
- Ashford Medical Surgery

We would like to discuss the potential for S.106 funding to be used to provide additional capacity at any practice in the vicinity of the development, which may be through the extension of one or more existing site, or a new building.

The amount requested is proportionate to the scale of the housing development proposed.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

The financial contribution requested is £67,680.”

5.11 Severn Trent Water

No response to date.

5.12 Sport England

“The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit, therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets paragraph 99 of National Planning Policy Framework (NPPF), is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.

If the proposal involves the provision of additional housing then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity."

5.13 DDDC Conservation Officer

"The proposed development is for outline planning permission for a mixed-use development of up to 75 No. dwelling houses and a commercial development or new medical centre, with approval being sought for access. An application made at the end of 2022 (22/01373/OUT) for up to 100 No. dwelling houses and a commercial development or new medical centre was refused planning permission.

The proposed development site is located to the south of the A52 at the western end of the settlement of Brailsford.

Brailsford evolved as a linear village on the main Ashbourne to Derby road. That linear nature along the A52 has, notwithstanding 20th century development/infill, been retained. As consequence of the location of a medieval manor house or property, 'The Green' is a southern spur off the main street which undoubtedly gave access to the former manor house/hall (the site is partially occupied by a former moat) and in the 17th -19th century 'The Green' was the site of the development of a series of farmhouses and farm buildings (and associated land), together with the (former) rectory at the southern bend of 'The Green'. This part of the settlement forms the core of the Brailsford Conservation Area (designated 1996).

As part of the proposed designation of the Conservation Area in 1996 the following attributes were recognised – 'the west side of The Green has some of the villages oldest buildings (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft an croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows o The Green are believed to be of considerable historic interest and important to its setting. The Old Rectory dates back to the early 16th century and has had numerous additions since then in 1682, 1883 & 1925. It is a building of importance to the character of The Green'. Th submitted Heritage, Design & Access Statement 74 (HDAS) acknowledges and recognises that

“this original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford” and that the site “consists of arable grassland in agricultural use bounded by hedgerows”.

The proposed development site is on open land to the west of ‘The Green’ and outside the Conservation Area. Access to the new development will be off the A52 and an indicative layout has been submitted.

Whilst the western boundary of the Conservation Area includes a series of historic crofts associated with the listed and historic farmhouses/buildings on the western side of ‘The Green’, the boundary does not indicate the extent of the contributory value and importance of the adjacent fields and open land. To serve these relatively large farmsteads their land holding would have extended westwards and include the proposed development site. Whilst outside the Conservation Area it is considered that these fields & open land are synonymous with, and contribute significantly to the setting and context of the Conservation Area and its identified attributes and importance to, the village as a whole. In this important regard and identification the current fields and open land to the west of the Conservation Area boundary are an important and intrinsic contributor to its setting and its historical context and development.

The HDAS makes reference to the recent, extensive, developments on the northern side of the A52. Whilst that may be the case for the northern side of the A52 the southern side, and this western side, has remained rural and open and devoid of new development. The retention of this rural character and appearance of the existing and historical built development along ‘The Green’ and the open land/fields beyond are considered significant to the character, appearance and experience of the designated heritage assets. In this regard, the proposed isolated and separated character of the proposed development will appear anomalous. This separation of built development will reinforce the divorced and separated nature of the proposed development on the rural edge of the village and in that regard such a development scheme would constitute an intrusive and detrimental inclusion/encroachment on this side of the village. The potential impacts of such a development scheme would be deemed harmful to the setting of the Conservation Area.

The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance’. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that ‘the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed’. Furthermore, it states that the importance of setting lies in ‘what it contributes to the significance of the heritage asset’. It is considered that a fundamental attribute of the significance of the Conservation Area is to be found and experienced in the individual & collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west. The HDAS states that “if the field [i.e. the proposed development site] possessed clear intrinsic historic value, it would presumably have been included in the Conservation Area”. It is considered that this is not necessarily correct as a conservation area boundary has to be finite. In the designation of a Conservation Area the setting and context of that Area is taken into consideration and whilst land may not be included within a boundary line it may still contribute to the setting, context and experience of a Conservation Area. Historic England’s guidance on the setting of heritage assets recognises and acknowledges this.

It is considered that the indicative scale, extent and layout of the proposed development does not respond to the locations character or to the significance of the designated and non-designated heritage assets. Nor, in regard to the proximity, degree of visual & physical change and scale & extent of the development and its potential prominence, conspicuousness and competition to the existing character and appearance of 'The Green' and the existing open land to the west of the Conservation Area, does the proposed development present any attributes or enhancements to the setting of the Conservation Area. It is considered that the recent amounts of new development in Brailsford have been located to the northern side of the A52 and that the southern side, and particularly the area containing 'The Green' and its associated open landscape to the west and south, that this has remained undisturbed (since designation in 1996) and thus has retained its intrinsic and integral character and appearance in association with the setting and context of the Conservation Area. It is concluded that the presence and magnitude of such development, in this sensitive location and context, will have an adverse effect on the setting of the Conservation Area and its impact(s) will result in irrevocable harm."

5.14 DDDC Environmental Health

No response to date.

5.15 DDDC Policy

No response received on current application. However, the following comments were made on the previous application.

"Although not a policy consideration in relation to the determination of this application, a significant part of the proposed site was included in the Call for Sites undertaken in 2021 and assessed through the SHELAA process in 2022.

The site failed stage B the conclusions stated that the main constraints were the potential impact on landscape character and sensitivities regarding the proximity of the Conservation Area and nearby Listed Building. The Highways Authority also commented that there are no pedestrian footways on the site frontage or link to the centre of the village. In terms of infrastructure, issues were also raised regarding the capacity of Brailsford Primary School and Queen Elizabeth's Grammar School and Severn Trent identified concerns with the sewerage infrastructure.

The conclusion stated: on balance it is considered given the potential impact of development on landscape character, notably the character of the village from approach to the west and in combination with new development to the north of the A52 alongside effects to the setting of the historic environment, notably Brailsford Conservation Area, that the site is undevelopable.

The outline application proposes a development of 100 housing units and commercial development or medical facility in Brailsford. It is proposed that the site is accessed from the A52. The site is currently agricultural land, adjacent to the Conservation Area and close to the defined settlement boundary.

As the site is not within the defined settlement boundary for Brailsford it is contrary to policy in the Local Plan however Policy S4 sets out the circumstances where limited development may be acceptable should a five year housing land supply not in in place, the current five year land supply is 3.96 years.

The key policy question is that given there is no five year land supply, is this a suitable location for housing development? Policy S2 recognises Brailsford as a third tier settlement and therefore limited development may be acceptable. In order to be an acceptable location for development the policies identified as relevant in the Local Plan will need to be met. In addition the constraints on development identified through the SHELAA would need to be fully addressed through the reserved matters. In particular the landscape impact and the potential impact on the Conservation Area and setting of a Listed building.

In addition, the pedestrian links to Brailsford centre and the impact on the sewerage infrastructure. In determining the planning application it will need to be considered if the tilted balance has been engaged and whether there are any circumstances that dictate whether the presumption in favour of development can be set aside e.g. impact upon local landscape or Conservation Area.”

5.16 DDDC Director of Housing

1. “Given the previous developments of affordable homes in the village, I would not support the provision of 23 affordable homes on this site.
2. 25% or 5.75 of the proposed 23 affordable homes would be provided as First Homes.
3. I would suggest that 6 to 8 homes would be the on the onsite requirement. The balance either be provided as an off-site contribution, or (preferably) substantially discounted to £1, or a combination of discounted and off-site contribution, depending on the appraisal.
4. At this stage I would suggest a mix of 2 bed bungalows and 2 bed houses for social rent as the preferred on-site contribution, provided to the National described space standards.”

5.17 DDDC Trees and Landscape Officer

“The only existing trees on the site that are subject to statutory protection by being within a conservation area would be those on the eastern boundary of the site.

There are no trees currently subject to Tree Preservation Order (TPO) on the site or close enough to it to be adversely affected by the proposals.

There are numerous mature trees and hedgerows particularly around the boundary of the site and it is important that these be retained, appropriately protected during development works and successfully integrated into the development for the long-term in order to maintain their contribution to the character and appearance of the site and its contribution to the local landscape.

It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree toward the southern boundary of the site should, in my opinion, be regarded as a 'veteran tree' because of its range of ecologically valuable features. It is particularly important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of significantly more than the minimum distance between tree and development and limiting development in its vicinity to green open space. In order to protect the tree I recommend that no development at all should be planned within the area surrounding the tree of whichever is the greater of either:

- 15x its stem diameter (measured at 1.5m above ground level), or
- 5m beyond its canopy spread.

These distances should be measured from the stem. This is greater distance than the standard root protection area defined by BS5837:2012 and recognised the sensitivity of old trees to damage. Consideration should also be given to how this oak tree could retain its important habitat features (including dead and damaged branches) while being situated within an intensified land use.

To facilitate an assessment of the potential impact of the proposals on existing trees and hedgerows requires further information to be submitted. I recommend that the applicant should submit for approval pre-determination an AIA prepared according to the guidelines of BS 5837 (2012). This should include:

- Tree Schedule to include all trees within 15m of the red line boundary of the site,
- Tree Constraints Plan based on the existing layout of the site,
- Tree Retention and Removals Plan based on the proposed layout of the site, and
- Tree Protection Plan based on the proposed layout plan with specification for temporary tree protection fencing and/or temporary ground protection.

If the AIA indicates that development or site activity would encroach into the canopy extent or root protection area of any retained trees then I recommend that a detailed site specific Arboricultural Method Statement be submitted for approval. This could be required as a condition to a grant of planning consent.”

5.18 DCC Archaeologist

“The proposed development area (PDA) lies immediately to the east of the Brailsford conservation area (DDR7012) in part of Brailsford, (Brailsford Green) described in the Heritage Statement as being “This original part of Brailsford is known as Brailsford Green and is the oldest part of Brailsford”. Brailsford village is a pre-Norman establishment, with some evidence of Anglo-Scandinavian occupation in the area, and is recorded in the Domesday survey. Please consult your own buildings and conservation archaeologist on this application.

In terms of below ground impacts; the potential for development to affect below ground archaeology has not been addressed in the submission. I therefore require further information regarding below ground archaeological impacts and potential significance, pre-determination, in accordance with Para 194 of NPPF.

I suggest that this can be provided by augmenting the Heritage Statement with elements of a Desk Based archaeological assessment accompanied by suitable expert advice regarding below ground archaeology. This should consider the historical origins and development of the village, from the point of view of the PDA, in relation to it. This should also draw on LiDAR data and an examination of the aerial photography as well as a geophysical survey (with evaluation trenching if necessary). The desk based assessment and geophysical survey should be undertaken pre-determination with any evaluation trenching work conditioned into any planning application if required.”

5.19 DCC Landscape Architect

No comment.

5.20 DCC Policy

DCC Policy conclude the following:

“On the basis of the detailed Officer comments below, Derbyshire County Council considers expresses concern that the application proposals may be disproportionately large at 75 dwellings for the scale, role and function of Brailsford as a Third Tier settlement.

However, a key consideration in the assessment of the application proposals is that the District Council cannot demonstrate a five year land supply, in which case there would be a presumption in favour of the application proposals in terms of policies in the NPPF and Policies S4: Development in the Countryside and HC1: Location of Housing Development of the adopted Local Plan. In addition, the application proposals would provide for significant benefits to the local community including 30% of the new housing being provided as affordable units, and the provision of land that could accommodate a E Class Use i.e. retail/ General Practitioner/ office/ café use for the village. Childrens play facilities are proposed within the overall proposed scheme which would provide community benefit. A community fund could also be considered.

A further material planning consideration is a Planning Appeal Decision (Planning Appeal Ref: APP/P1045/W/17/3167362) at Land off Main Road, Brailsford (application ref: 16/00567/OUT) relating to ‘Outline application for residential development of up to 75 dwellings and associated access’ which was allowed at appeal on the 8th September 2017 on land to the north of the current application site which is also located outside the defined Settlement Development Boundary. The Inspectors decision on this does set a precedent for development outside of the defined settlement limits.

Therefore in conclusion, in the context of paragraph 11 of the NPPF and the ‘tilted balance’ it would appear that on balance the application proposals would be acceptable in the context of national and local plan policies for sustainable development and recent planning appeal case law.”

5.21 DCC Rights of Way

“I can confirm that Brailsford Public Footpath No. 40 runs through the proposed development site, along the inside of the southern boundary. Although the legal line and used line of the path differ, neither line appear to be obstructed by the layout as proposed. It is important that no planting is carried out on the legal line of the path, which lies to the north of the used line, and south of the oak tree as shown on the attached plan. The southern landscape buffer will mitigate the loss of visual amenity to an extent.

More information about the proposed new footpath / cycleway to Church Lane, is required before full comment can be made. For instance, what would be the precise line of this path? What would the width and surfacing be? Would it be the intention to dedicate the route to protect it for future generations?

In the meantime, I should be grateful if you would advise the applicant as follows: -

- Footpath No. 40 must remain open, unobstructed and on its legal alignment, and its used alignment.
- There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the path, and no fencing should be installed, or hedgerow planted, without consulting the Rights of Way Section.”

5.22 DCC Sustainable Travel Team

“All new dwellings should be provided with:

- Secure and accessible cycle storage in line with LTN 1/20, see: Cycle infrastructure design (LTN 1/20) - GOV.UK (www.gov.uk)
- Access to electric vehicle charging points, in line with the June 2022 Building Regulations Part S.
- Infrastructure to enable high speed broadband connection. As a minimum the development should provide the necessary ducting within the site to facilitate FTTP. (Fibre to the Premises).
- Pedestrian walkways should be provided alongside all access roads within the development which lead directly to the proposed green corridor along Centenary Way and Brailsford Footpath 40. This will enable safe pedestrian access to this footpath from all parts of the development.

Pedestrian walkways at all proposed highway access points should be provided to relevant standards to match into existing provision, complete with lighting, surfacing and dropped tactile kerbs as appropriate.

Brailsford Footpath 40 should remain in place and be upgraded to an all-weather surface. The precise specification should be agreed in consultation with Derbyshire County Council.

The closest bus stops on A52 Main Road should be upgraded as appropriate, to include raised kerbs, shelters, timetable cases, lighting, highway bus stop markings and real time

information wherever feasible and not already in place. This should include both East and Westbound stops adjacent to and West of Wallef Road.

Any proposed footway and uncontrolled pedestrian crossing point should be in place and fit for purpose prior to first residential occupation.

All dwellings should be issued with a travel information pack upon occupation.”

5.23 Peak & Northern Footpaths Society

“No objection. The full legal width of Brailsford Footpath 40 must remain unobstructed at all times unless a temporary closure order with a suitable alternative route is obtained. The width and surface of this path both on and off-site should be improved, since it will receive much more use from the residents in the development. All changes to the path must be made with the authority of the county council.”

5.24 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i) Brailsford FP 40 remains unaffected at all times, including the path surface, both during and after any development
- ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iii) Any encroachment of the footpath would need consultation and permission with/from the DCC Rights of Way Team
- iv) Links from the development to the Right of Way FP 40 would be beneficial
- v) Landscape mitigation of the FP 40/Centenary Way”

6.0 REPRESENTATIONS RECEIVED

6.1 22 letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- a) The land is not designated for housing development in the local plan or neighbourhood plan.
- b) The application is contrary to policies in the local plan and neighbourhood plan.
- c) There is no need for further housing development within the village.
- d) Existing housing developments under construction should be completed before new developments are considered.
- e) There is no need for the proposed commercial development.
- f) The scale of development proposed is excessive. The village has already expanded by 50% since 2017.
- g) Existing village facilities would not be able to cope with the increased traffic and demand created by the proposed development.
- h) Surface water from the proposed development will increase the risk of flooding for neighbouring properties.
- i) Sewerage infrastructure is insufficient to serve the development and any further proposals will put it at major risk.
- j) The development will harm the amenity of users of the footpath crossing the site.
- k) The development will result in an adverse impact upon wildlife on the site.

- l) Insufficient information has been submitted in regard to potential impacts upon wildlife.
- m) The development will result in harm to trees on site.
- n) The development will result in loss of Grade 2 agricultural land.
- o) The development significantly encroaches upon the green fields surrounding the village.
- p) The development will significantly impact upon the openness of the countryside.
- q) The development will result in the loss of open green space used for exercise and mental health wellbeing.
- r) The development will harm the landscape and the character and appearance of the area.
- s) The development will result in harm to the setting of the Grade 1 listed church, several Grade 2 listed buildings on Church Lane and the Conservation Area.
- t) The parking provision for the proposed commercial unit is inadequate and would result in parking on the road.
- u) The access to the proposed development would be unsafe.
- v) The development will generate more traffic.
- w) The development will harm pedestrian safety particularly for children who have to walk along the main road for school.
- x) There is no footpath on the proposed development side of the main road.
- y) Insufficient information has been submitted in regard to the proposed access.
- z) Reference to alleged breaches of planning control in recent housing developments within the village.
- aa) The site has recently been refused planning permission.

6.2 1 letter of representation has been received making the following general comment:

- a) S.106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £64,000.

6.3 5 non-attributable letters of representation have been received to date all in objection to the application. The material planning reasons are summarised below:

- There has been a significant amount of housing development within Brailsford recently.
- The village is becoming overpopulated.
- The population of the village has increased from 1,187 in 2011 to 2,002 in 2021, an increase of 67%.
- The site is outside of Brailsford and not designated for housing development.
- The application is contrary to the Brailsford Neighbourhood Plan.
- The development would harm highway safety.
- The proposed pedestrian crossings would not be safe.
- There is insufficient capacity within the school to serve the development.
- There is insufficient capacity within the medical practice to serve the development.
- The development would have a harmful visual and landscape impact.
- The development would result in harmful light pollution.
- The development would have a harmful impact upon drainage / flooding.
- There is insufficient capacity within the sewage network to serve the development.
- The development would harm the setting of nearby listed buildings.
- The development would harm the setting of Brailsford Conservation Area.
- The development would harm the character and appearance of the area.
- The development would result in the loss of productive arable land.
- The proposed commercial development is not in-keeping with the character of the village where commercial properties are clustered around Brailsford Stores and Saracens Head Yard on the Main Road⁸²

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 75 dwellings on the site, and a commercial development, with all matters other than access reserved.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Adopted Brailsford Parish Neighbourhood Plan (2021).
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework (NPPF), the main issues to assess are listed below. These are matters that go to the principle of the development and therefore must be considered at the outline stage.
- Whether residential development on this site is acceptable in principle
 - Impact on cultural heritage
 - Landscape impact and impact upon the character and appearance of the area
 - Transport and Impact on highway safety
 - Impact upon the amenity of neighbouring properties
 - Sustainable building and climate change
 - Flood risk and drainage
 - Impact on trees and biodiversity
 - Affordable housing, housing mix and developer contributions

Principle

- 7.4 The application site is not allocated for housing in the development plan and is located outside but partially on the edge of Brailsford. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Brailsford is a third tier settlement where policy provides for reduced levels of development in comparison to higher order settlements in order to safeguard and, where possible, improve their role consistent with maintaining or enhancing key environmental attributes. New development should be focused within the defined settlement boundary in accordance with their scale, role and function unless otherwise indicated in the Local Plan.
- 7.5 Policy H1 supports small-scale infill development housing development within the settlement boundary which relates well to neighbouring properties and is appropriate for the rural setting.
- 7.6 Outside of defined settlement boundaries policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.7 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.8 The application site is located on the western edge of residential development south of Main Road. The access to the site would be approximately 450m from the village store / post office and 60m to the nearest bus stop on Main Road.

- 7.9 Therefore, in the current circumstances the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, for Brailsford policy S2 provides for reduced levels of development to safeguard, and where possible, improve their role consistent with maintaining or enhancing key environmental attributes. Policy H1 states that for Brailsford this means supporting small-scale infill development appropriate for the rural setting. The scale of the proposed development is substantial relative to Brailsford and beyond the scale and level of development envisaged by policies S2 and H1.
- 7.10 The application also proposes a commercial development as part of the development. The indicative plans show a 0.17 Ha area of land to the northeast of the site reserved for this purpose. The commercial development proposed is within Use Class E (Commercial, Business and Service) and the application form indicates that this element of the development would have a floor area of 500m².
- 7.11 Policy S2 allows for new development within the settlement boundary of a reduced scale relative to existing services and facilities available within the village. The application site is however outside the settlement boundary for Brailsford.
- 7.12 There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed.

Impact on cultural heritage

- 7.13 The site is located to the south of the A52 at the western end of the settlement. Brailsford evolved as a linear village on the main Ashbourne to Derby road. That linear nature along the A52 has, notwithstanding 20th century infill development, been retained. As a consequence of the location of a medieval manor house or property, 'The Green' is a southern spur off the main street which gave access to the former manor house/hall and in the 17th -19th century 'The Green' was the site of the development of a series of farmhouses and farm buildings (and associated land), together with the former rectory. This part of the settlement forms the core of the Brailsford Conservation Area.
- 7.14 The west side of 'The Green' has some of the oldest buildings in the village (mainly farmsteads), three of which are grade II listed. It is an area of possible former toft and croft farming practices, a medieval form of enclosure. Therefore, the fields and hedgerows on 'The Green' are believed to be of considerable historic interest and important to its setting. The Old Rectory dates back to the early 16th century and is a building of importance to the character of 'The Green'.
- 7.15 The proposed development site is on open land to the west of 'The Green' and outside the Conservation Area. Whilst the western boundary of the Conservation Area includes a series of historic crofts associated with the listed and historic farmhouses / buildings on the western side of 'The Green', the boundary does not indicate the extent of the contributory value and importance of the adjacent fields and open land. To serve these relatively large farmsteads their land holding would have extended westwards and include the proposed development site.
- 7.16 Therefore, whilst outside the Conservation Area these fields & open land are synonymous with, and contribute significantly to the setting and context of the Conservation Area and its identified attributes and importance to, the village as a whole. In this important regard and identification the current fields and open land to the west of the Conservation Area boundary are an important and intrinsic contributor to its setting and its historical context and development.

- 7.17 Policies PD2 is relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) conservation areas, listed buildings, archaeological sites or heritage features and non-designated heritage assets. Policy H1 requires development to demonstrate an understanding of attention to the village environment, its rural location and history and provides specific design requirements.
- 7.18 The Brailsford Conservation Area and listed buildings are designated heritage assets. The Local Planning Authority is obliged to have special regard to the desirability of preserving listed buildings their setting or any features of special architectural or historic interest which they possesses. The Local Planning Authority is also obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.19 A Heritage, Design & Access Statement (HDAS) has been submitted with the application. The application is in outline only with all matters reserved except for access. However, the submitted indicative layout shows proposed areas and densities of residential development, landscaping and public open space.
- 7.20 The NPPF states that ‘the setting of a designated heritage asset can contribute to its significance. Historic England’s national guidance on the ‘setting of heritage assets’ (2015) states that “the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed”. Furthermore, it states that the importance of setting lies in “what it contributes to the significance of the heritage asset”.
- 7.21 A fundamental attribute of the significance of the Conservation Area and the listed buildings to the west of ‘The Green’ is to be found and experienced in the individual and collective impact of structures (listed and non-listed buildings) making up the built environment and its layout, as well as the historic and intrinsic connection to the rural and open landscape to the west (which includes the application site).
- 7.22 The HDAS concludes that “the revised scheme, if sensitively delivered, will not materially harm the significance of nearby Listed Buildings. Whilst there will be a degree of change to the wider context of the conservation area and village, the historic core of the village will still retain a rural setting, therefore the character and significance of the conservation area will also be maintained.”
- 7.23 Officers disagree with the conclusions of the HDAS. Having regard to the significance of affected heritage assets and the application site it is considered that the indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of affected designated and non-designated heritage assets. The development does not (in regard to the proximity; degree of visual and physical change; scale and extent of the development; prominence; conspicuousness; competition to the existing character and appearance of ‘The Green’ and the existing open land to the west of the Conservation Area) present any attributes or enhancements to the setting of the Conservation Area.
- 7.24 The HDAS makes reference to the recent, developments on the northern side of the A52. However, there is a significant change in character between to the south of the A52. This western side has remained rural and open and devoid of new development. The retention of this rural character and appearance of the existing and historical built development along ‘The Green’ and the open land/fields beyond are considered significant to the character, appearance and experience of the designated heritage assets. The proposed development would appear isolated and separated in character which would reinforce the divorced and separated nature of the proposed development on the rural edge of the village. The

development would constitute an intrusive and detrimental inclusion/encroachment on this side of the village.

- 7.25 It is therefore concluded that the development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II) and All Saints Church (Grade I). The development will not preserve or conserve the setting of the Conservation Area or affected listed buildings. The development will result in a significant and irrevocable impact upon the setting of the Conservation Area and would result in harm the setting of affected listed buildings contrary to policies PD2 and H1.
- 7.26 The harm identified, while significant, would not result in substantial or total loss of the Conservation Area or affected listed buildings. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal bearing that the NPPF states that great weight should be given to the conservation of designated heritage assets and the statutory duty to have special regard to the desirability of preserving the Conservation Area and listed buildings.
- 7.27 The County Archaeologist advises that due to the location of the PDA (proposed development area) relative to the Conservation Area that there is potential for the development to affect below ground archaeology. Therefore, an archaeological assessment is required. This could be secured by an appropriate planning condition, if planning permission were granted, having had regard to the latest advice from the County Archaeologist.

Landscape impact and impact upon the character and appearance of the area

- 7.28 Policy S1 states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.
- 7.29 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.30 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.31 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.32 Policy LW1 states that proposals shall demonstrate appropriate regard for the landscape sensitivities and designations that are significant features of and constrain development within the parish including the landscape within which the Conservation Area is set. Inter-visibility between the proposed site and the open countryside will need to be assessed and addressed.

- 7.33 The application site comprises part of a large arable field and forms part of a wider landscape of mainly arable fields bound by hedgerows. The land falls gently to the south west and there are distant views to the wider countryside between the field boundaries of tall hedges and occasional trees. The site lies within the Needwood and South Derbyshire Claylands Landscape Character Area (LCA) and within the Settled Plateau Farmlands Landscape Character Type (LCT). The site is not subject to any landscape designations; however, Brailsford Conservation Area is located to the east and several public rights of way (PROW) cross and are within close proximity of the site.
- 7.34 This is predominately pastoral landscape of rolling countryside that is still largely rural and relatively tranquil, featuring distinctive field boundary patterns and characteristic hedgerows with hedgerow trees. Grassland for livestock is the dominant land use although dairy and cereal farming are also important. This LCT is characterised by gently rolling upland plateau, slowly permeable, seasonally waterlogged soils over glacial till, pastoral farming with some cropping, marl pits forming small ponds, densely scattered boundary trees and occasional small woodland blocks, small to medium fields surrounded by hedgerows, parkland estates, areas of former common land with clusters of red brick and Staffordshire blue clay tile roofed cottages, scattered farmsteads and estate farms and extensive view over lower ground.
- 7.35 The application is supported by a Landscape and Visual Appraisal (LVA). The LVA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.36 The LVA provides an assessment of the sensitivity of this landscape and concludes that the site and immediate landscape is of medium landscape value. The LVA states that during operation (following completion) that the development would have an initial minor adverse effect on visual amenity reducing to negligible adverse effect by year 15. Landscape effects are considered to be moderate adverse reducing to moderate / minor adverse by year 15.
- 7.37 Impacts upon local visual receptors are also considered by the LVA. Impacts upon residential properties and settlement are considered to be major / moderate adverse falling to moderate / minor adverse by year 15. Impact upon the footpath running through the site is considered to be major / moderate adverse reducing to moderate adverse by year 15. Impact upon views from footpaths looking towards the development from the north and east are considered to be minor adverse reducing to negligible adverse by year 15. Views from Church land and the lane leading to All Saints Church are considered to be minor adverse reducing to negligible adverse by year 15.
- 7.38 The LVA concludes that the design and mitigation approaches adopted by the proposed development through its design are appropriate and would minimise impacts on landscape and visual receptors in the longer term. The LVA states that its assessment is that the development would not result in any unacceptable long-term landscape and visual effects.
- 7.39 The application site is an open field southwest of Brailsford with close visual and functional links with the oldest part of the village. The site also has high amenity value for residents with footpath links to All Saints Church and Ednaston providing open views to the south west. The proposed number of dwellings and site area has been reduced from the previous scheme, however, a development of this scale would inevitably result in a significant visual impact from close vantage points, irrespective of layout, scale and external appearance. The development of the site would have an urbanising impact through the erection of dwellings, commercial development, roads and boundary treatments along with associated noise, lighting and activity.
- 7.40 The development would result in a major / moderate adverse visual change from these close vantage points which could not be completely mitigated through the provision of green

spaces and landscaping as shown on the indicative drawings. As identified above the development would result in significant harm to the setting of the Conservation Area and harm to the setting of listed buildings. It therefore follows that the development would result in harm to the character and appearance of the village, its setting and settlement pattern.

- 7.41 Impacts of the development upon landscape character and in the wider immediate landscape are more limited. The development would not result in significant harm to landscape character nor the wider landscape of the area subject to appropriate design and landscaping.
- 7.42 However, taking into account visual impacts and impacts upon settlement pattern it is concluded that the development would not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4, PD5 and LW1. This impact must be taken into account and weighed in the planning balance.

Transport and Impact on Highway Safety

- 7.43 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan. Policy TMA1 encourages development proposals to provide for safe access to surrounding community facilities, an additional pelican crossing at the statutory distance from Luke Lane junction and a new pedestrian crossing on Luke Lane to provide safer access to the school and additional funding for public transport services within the parish.
- 7.44 The application is supported by a Transport Statement (TS). The TS concludes that there are reasonable opportunities for pedestrian travel from the site, with amenities in Brailsford located within walking distance. It is recognised that the A52 contributes to severance and that the existing footway network in Brailsford is constrained. The development would provide carriageway narrowing and uncontrolled pedestrian crossing points on all arms of the new access junction, a new uncontrolled pedestrian crossing point within Brailsford at the A52 / Luke Lane junction and improvements to the public footpath within and adjacent to the site.
- 7.45 The nearest bus stops are located opposite and adjacent to the site frontage and are served by regular services to and from Derby and Ashbourne throughout the day. Derby railway station is accessible via bus. The application proposes to provide improvements to the bus stops.
- 7.46 The TS states that the development would generate up to 58 two-way vehicle movements during a typical weekday peak hour. This level of additional traffic is not considered to be significant and would not result in a severe impact upon the road network.
- 7.47 Access is not reserved and therefore must be assessed as part of this application. The application proposes a 5.5m wide site access carriageway with 6m kerb radii. 2m wide footways would be provided to both sides of the site access carriageway extending to tie into the existing footway at the bust stop to the west and to the east to an uncontrolled pedestrian crossing point. The application proposes 2.4m by 120m visibility splays which can be delivered within adopted highway and / or land within the control of the applicant.
- 7.48 The Highway Authority have been consulted and have provided detailed comments on the submitted application and TS. The Highway Authority advise that the submitted TS is suitable and that previous concerns about pedestrian connectivity have been included and as such the development would not have an adverse impact on capacity or safety and addresses active travel. However, a Travel Plan (TP) is required for a site of this quantum.

The Highway Authority therefore raise no objection subject to planning conditions and a planning obligation to secure the proposed access, highway improvements and Travel Plan.

7.49 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Authority, the application has provided sufficient evidence to demonstrate that the proposed access would be safe and that the development would not harm highway safety in accordance with policies S4 r) and HC19. The application therefore would not harm highway safety and would be accessed in a sustainable manner in accordance with policies S1, S4, HC19 and TMA1.

Impact on amenity of neighbouring properties

7.50 The nearest neighbouring residential properties include the recently constructed residential estate to the north, Field Head House and Barn to the north east, and the residential properties along The Green to the east of the site.

7.51 The development would result in the erection of up to 75 dwellings and a commercial development on site along with associated gardens, open space, roads, parking, noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Field Head House and Barn and the residential properties along The Green to the east of the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.

7.52 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration.

7.53 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and could be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities.

7.54 Therefore, subject to conditions the development could be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

7.55 The application is outline with all matters reserved other than access. Nevertheless, the impact of the development upon climate change fundamentally relates to the principle of the development and therefore should be assessed at this stage.

7.56 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.

- 7.57 The submitted Planning Statement (PS) addresses mitigating global warming and adapting to climate change. The planning statement does not propose any specific mitigation measures but states that “it is envisaged that the development will incorporate a sustainable approach to energy conservation both through the design and construction process.” The statement says that building envelopes will be designed and constructed to exceed the current building regulations guidance using efficient lighting systems and sustainable sourced materials, wherever practicable. The roofs could be fitted with photovoltaic (PV) panels and the primary heating source could be in the form of ground or air source heat pumps.
- 7.58 Notwithstanding the concerns raised in regard to scale of development, landscape and visual impact the site is sustainably located in terms of distance from the village and availability of public transport. The application also demonstrates that, subject to planning condition, the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

- 7.59 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and the Flood Risk Assessment (FRA) submitted with the previous application has been re-submitted.
- 7.60 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.
- 7.61 The FRA includes a drainage strategy. This strategy concludes that surface water would be dealt with by discharge into an existing drainage ditch out-falling into Brailsford Brook. Attenuation would be provided via two wet ponds designed to attenuate surface water runoff for all storm events up to and including the 1 in 100 year plus 40% climate change storm event, plus a 10% consideration for urban creep.
- 7.62 As stated above the FRA was written for the previous application and the indicative plan within the FRA shows ponds and swales outside the current application site. The indicative layout plan submitted with the current application indicates a single pond. The discrepancy between the FRA and submitted layout plan has been queried with the agent who has advised that the application proposes the principles for which a SuDS scheme would be delivered as part of any application for reserved matters. In principle the proposed means of dealing with surface water from the impermeable areas created by the development is acceptable and would potentially contribute positively to biodiversity.
- 7.63 Foul water would be conveyed via a gravity sewer network which will discharge into a pumping station on the site. The pumping station will then convey flows via a rising main through the site to form a new connection into the public combined sewer network within Painters Lane. Discharge to the main sewer is acceptable in principle and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.64 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA also raise no objection, subject to

the imposition of planning conditions to secure approval, implementation and validation of a detailed drainage scheme. Seven Trent Water have been consulted on the application but have not provided any comment to date.

- 7.65 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately flood resistant and resilient. Any residual flood risk could be safely managed and safe access and escape routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance to a surface water body.
- 7.66 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

- 7.67 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity. Policy LW1 requires development proposals to integrate into the landscape by prioritising retention of existing features, particularly tree belts, copses and hedgerows and where required replacement planting.
- 7.68 The application is supported by an Ecological Impact Assessment (EclA) and Biodiversity Metric. No tree survey or impact assessment has been submitted with the application.
- 7.69 There are no trees subject to Tree Preservation Order (TPO) on the site or close enough to be adversely affected by the proposals.
- 7.70 The Council's Tree and Landscape Officer advises that there are a number of mature trees and hedgerows particularly around the boundary of the site and it is important these are retained, protected and incorporated into the development. It is particularly important to retain and protect from damage larger trees because their diverse contribution to amenity cannot be replaced quickly. The old oak tree in the centre of the site should be regarded as a 'veteran tree' because of its range of ecologically valuable features. It is particularly important to protect this tree from damage during any development works and successfully integrate it into the development for the long term. This should include provision of more than the minimum distance between tree and development and limiting development in its vicinity to green open space.
- 7.71 The Tree and Landscape Officer advises that an Arboricultural Impact Assessment (AIA) be prepared and submitted prior to determination to inform the development. However, the application is outline with layout a reserved matter. The submitted application does demonstrate that it is possible to achieve a layout which would avoid any significant impact upon trees on or adjacent to the site. However, it is important that if permission is granted that planning conditions be imposed to require this to inform / support any application for reserved matters.
- 7.72 The application site is not close to any statutory conservation sites. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.

- 7.73 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The development will result in the loss of arable land. Boundary features including hedgerows and trees would largely be retained except for the new access point. Potential impacts on protected species are assessed within the EclA.
- 7.74 Subject to any further advice from Derbyshire Wildlife Trust (DWT), the application has demonstrated that, subject to planning conditions to secure avoidance measures and a Construction and Environment Management Plan (CEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.75 The submitted biodiversity net gain assessment concludes that the development will deliver a net gain for habitats and hedgerows on-site of 24.14% for habitats and 21.25% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. If permission is granted a planning condition to secure a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) would be recommended.
- 7.76 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.77 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.78 A health contribution has been sought by the CCG. A contribution of £67,680 is required to enhance capacity / infrastructure in specified local practices, including the existing medical practice in Brailsford. In terms of education the development will also result in the need for additional primary provision to be provided. The Education Authority has stated that this would amount to £435,973.20 towards the provision of primary places at Brailsford CE Controlled Primary School (and additional education facilities). If permission is granted it will be necessary to secure these contributions through prior entry into a planning obligation to meet the demands deriving from the development.
- 7.79 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. Therefore, all units of affordable housing (up to 22.5) would be delivered on site, of which 6 would be First Homes in accordance with national planning guidance. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.80 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Brailsford Neighbourhood Plan policy H1 requires local housing requirements to be met, particularly for 2 and 3 bedroom affordable homes and bungalows. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bed roomed dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan and Neighbourhood Plan. If permission is granted

a planning condition to secure an appropriate mix would be necessary, with provisions to agree a different mix, where justified.

7.81 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. Policy GSL1 requires developments to provide for a variety of open spaces sensitive the local landscape. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033.

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.82 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 75 dwellings is 122m² for children's play provision. The SPD has a requirement for parks and gardens which would amount to 731m². In this rural location a natural green space would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. The SPD also has a requirement for allotments which would amount to 295m². Allotments would be appropriate on this site in principle, particularly given concerns raised over the loss of the former allotments. However the indicative layout does not show sufficient space on this site for the minimum size recommended in the SPD (0.4ha or 4,000m²).

7.83 There would be sufficient space on the site for green space and children's play provision which would be necessary to secure by planning condition, if permission were granted. A financial contribution for allotments would be required which would equate to £4,432.50.

7.84 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments can be secured by prior entry into a planning obligation.

7.85 Therefore, subject to condition and prior entry into a planning obligation to secure affordable housing provision and development contributions for education and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.86 In the current circumstances the principle of residential development on this site is in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). However, in this location policy S2 provides for reduced levels of development to safeguard, and where possible, improve the role of the village consistent with maintaining or enhancing key environmental attributes. Policy H1 states that for Brailsford this means supporting small-scale infill development appropriate for the rural setting. The scale of the proposed development is substantial relative to Brailsford and beyond the scale and level of development envisaged by policies S2 and H1.

- 7.87 The application also proposes a commercial development as part of the development. There is no provision within the development plan for commercial development on the site other than rural employment development in accordance with policies S4 c) and EC1. There is no provision for retail development of the scale proposed which would be significant relative to the current size of Brailsford, existing facilities, services and infrastructure.
- 7.88 The indicative scale, extent and layout of the proposed development does not respond positively to the character or the significance of the Brailsford Conservation Area a designated heritage asset. Furthermore, the development does not present any attributes or enhancements to the setting of the Conservation Area. The indicative layout would reinforce the separated nature of the proposed development which would be an intrusive encroachment on this side of the village.
- 7.89 The development will affect the setting of Brailsford Conservation Area and the setting of affected listed buildings wherein including Green Farm (Grade II), Barns South of Green Farm (Grade II), Old Hall Farmhouse (Grade II) and All Saints Church (Grade I). The development would not conserve the setting of the Conservation Area or affected listed buildings. The development will result in significant harm to the setting of the Conservation Area and harm to the setting of listed buildings contrary to policies PD2 and H1.
- 7.90 The relationship of the site and affected heritage assets is an important aspect of landscape character. The development would not result in significant harm to landscape character but would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape or settlement pattern contrary to policies S1, S4, PD5 and LW1.
- 7.91 The application is therefore determined to be contrary to the provisions of the development plan.
- 7.92 The Council is unable to demonstrate a 5 year housing land supply at this time. The National Planning Policy Framework (NPPF) is a material consideration and paragraph 11 says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.93 The Brailsford Neighbourhood Plan was adopted in July 2021 and therefore forms part of the development plan. The neighborhood plan is now over two years old and does not contain policies and allocations to meet identified housing requirements. Therefore, in accordance with paragraph 14 of the NPPF any conflict with the neighbourhood plan would not be likely to significantly and demonstrably outweigh the benefits.
- 7.94 The harm identified to the setting of Brailsford Conservation Area and the setting of affected listed buildings would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits.
- 7.95 The development would deliver up to 75 dwellings on the site at a time where the Council is unable to demonstrate a 5 year housing land supply. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver up to 22.5 affordable homes. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and to a large degree would be commensurate with any residential development.

7.96 The development would result in enhancement to biodiversity on site in excess of policy requirements. However, at the same time the development would result in the loss of Grade 2 agricultural land (very good quality agricultural land). Policies in the NPPF seek to secure biodiversity net gain while offering protection for the best and most versatile (BMV) agricultural land. This is considered to be a neutral consideration neither for nor against the development.

7.97 Significant weight should be given to the benefits of delivering the scale of market and affordable housing proposed at a time where the Council is unable to demonstrate a 5 year housing supply. However, the scale of the proposed development, visual and landscape impact and harm to the setting of the Conservation Area and affected listed buildings would be significant. In determining this application the Local Planning Authority is obliged to give great weight to and have special regard to the desirability of preserving the Conservation Area, listed buildings and their setting. In that context, it is considered that the harm identified would not be outweighed by public benefits and therefore the presumption in favor of sustainable development set out by paragraph 11 of the NPPF does not apply.

7.98 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

Refuse for the following reasons:

1. The development would significantly harm the setting of the designated Brailsford Conservation Area and harm the setting of Green Farm (Grade II listed), Barns South of Green Farm (Grade II listed), Old Hall Farmhouse (Grade II listed) and All Saints Church (Grade I listed) contrary to policies S1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy H1 of the Adopted Brailsford Parish Neighbourhood Plan (2021). The public benefits arising from the development would not outweigh this harm and therefore the development is contrary to the National Planning Policy Framework (2021).
2. The development would be of a significant scale relative to the village and have an adverse visual and landscape impact and harm the character and appearance of the area and settlement pattern of Brailsford contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), policies H1 and LW1 of the Adopted Brailsford Parish Neighbourhood Plan (2021) and the National Planning Policy Framework (2021).

9.0 NOTES TO APPLICANT:

The Local Planning Authority has provided pre-application advice and met and discussed the merits of the application with the applicant during the course of the application. There was no prospect of resolving the fundamental planning problems with the application 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 within the agreed extension of time and thereby allowing the applicant to exercise their right to appeal.

This decision relates solely to the application form and the following plans and documents:

Application form

Indicative Layout Plan 3811 Plan

Site Location Plan – Ref 3811-001 Rev E

Wider Context and Settlement Plan

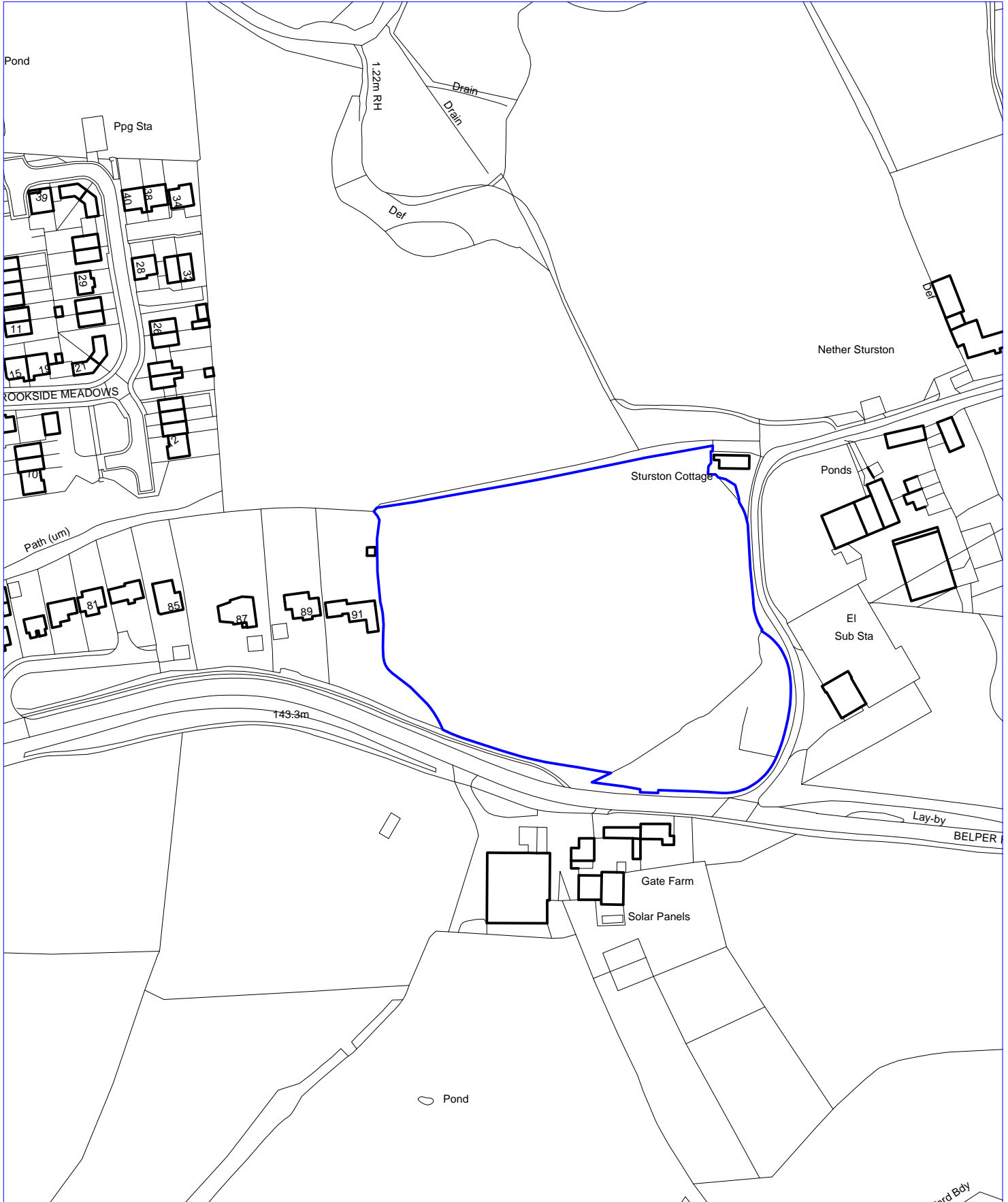
Proposed Site Access Layout – Ref ADC1294-DR-002 Rev P4

Planning Statement – 3811_PS_V2 dated 08.06.2023

Heritage, Design and Access Statement⁹⁵ – 3811_HDAS_V2 dated 08.06.2023

Landscape and Visual Appraisal Rev D
Transport Statement – ADC1294-RP-F V4
Flood Risk Assessment and Drainage Strategy – ADC1294-RP-C-v3
Ecological Impact Assessment (Low Impact EclA) – RSE_6168_R1_V4
Biodiversity Metric 3.1 Calculation Tool
Letter from York Archaeology dated 03.03.2023

23/00553/OUT
Land off Belper Road, Ashbourne



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APPLICATION NUMBER		23/00553/OUT	
SITE ADDRESS:		Land off Belper Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 25no. dwellinghouses with approval being sought for access	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr K Whitmore
PARISH/TOWN	Ashbourne	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Peter Dobbs Cllr Stuart Lees	DETERMINATION TARGET	15.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether residential development on this site is acceptable in principle • Landscape impact and impact upon the character and appearance of the area • Impact on cultural heritage • Transport and Impact on highway safety • Impact upon the amenity of neighbouring properties • Sustainable building and climate change • Flood risk and drainage • Impact on trees and biodiversity • Affordable housing, housing mix and developer contributions

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site is located north of the A517 (Belper Road) on the eastern edge of Ashbourne. The site 1.68 hectare field is located between the existing eastern edge of Ashbourne and the junction of Belper Road and Mill Lane. Ashbourne public footpath no.13 runs within the northern boundary of the site. The site lies beyond but adjacent to the settlement boundary of Ashbourne.
- 1.2 The land slopes downwards from Belper Road the south west to the north east. The field is largely bounded by substantial hedgerows and post and rail / wire fencing with dispersed mature trees.
- 1.3 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.
- 1.4 The site lies adjacent to the settlement boundary of Hulland Ward and share a boundary with the allocated site HC2 (s) – land off A517 and Dog Lane for 33 dwellings that has been implemented.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 25 dwellings with access included and all other matters reserved. Access would be from the A517 (Belper Road).
- 2.2 An indicative plan shows 25 dwellings with the access road broadly central before branching to the east and west to provide access to the dwellings at the north edge of the site and parking areas to the rear of the rest of the dwellings. The indicative plan shows part of the site to the east undeveloped and retained as open paddock.
- 2.3 The application indicates that the development will comprise a mixture of 1, 2, 3 and 4 bedroom dwellings.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S8 Ashbourne Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards.

3.2 Adopted Ashbourne Neighbourhood Plan 2021

- HOU1 Housing Mix
- DES1 Design
- AH1 Ashbourne Heritage
- TRA1 Transport

3.3 Other:

- The National Planning Policy Framework (NPPF) (2021)
- National Planning Practice Guidance
- Climate Change Supplementary Planning Document (SPD) (2021)
- Developer Contributions SPD (2020)
- Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY: 101

5.0 CONSULTATION RESPONSES

Town Council

- 5.1 “Members feel that the development is on a dangerous bend which is also an entrance/exit to the town, and outside the town’s curtilage and will have an impact on the Grade II Listed farmhouse. They feel it will have a negative visual impact and will also impact the rights of way used for the ancient game of Royal Shrovetide. Members state that it is against NP Policy TRA1.”

Derbyshire Wildlife Trust

- 5.2 “We previously commented on application 22/00777/OUT at this site in September 2022. A revised layout has been submitted under the above application reference and the biodiversity net gain calculations updated, including an update site visit. The proposed dwellings have been reduced in number from 30 to 25 and no additional ecological impacts are anticipated (EclA, Elton Ecology, 2023).

A net gain of +1.25 habitat units (17.36%) and +2.32 hedgerow units (54.37%) is predicted, using DEFRA Metric V4.0. We welcome Section 4 of the BNG Report, which clearly sets out how proposals have considered the mitigation hierarchy.”

If permission is granted Derbyshire Wildlife Trust recommend conditions in regard to breeding bird mitigation and submission, approval and implementation of a Construction Environment Management Plan (CEMP), Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and lighting.

Education Authority

- 5.3 “Primary Level

The proposed development falls within and directly relates to the normal area of Ashbourne Primary School, Ashbourne Hilltop Primary and Nursery School, and St Oswald’s CE VC Primary School. The proposed development of 25 dwellings would generate the need to provide for an additional 3 infant and 3 junior pupils.

Ashbourne Primary School has a net capacity for 315 pupils, with 208 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 200.

An evaluation of recently approved major residential developments within the normal area of Ashbourne Primary School shows new development totalling 61 dwellings, amounting to an additional 15 primary pupils.

Ashbourne Hilltop Primary School and Nursery School has a net capacity for 140 pupils, with 121 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 124.

An evaluation of recently approved major residential developments within the normal area of Ashbourne Hilltop Primary School and Nursery School shows new development totalling 61 dwellings, amounting to an additional 15 primary pupils.

St Oswald's CE VC Primary School has a net capacity for 210 pupils, with 205 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 214.

An evaluation of recently approved major residential developments within the normal area of St Oswald's CE VC Primary School shows new development totalling 47 dwellings, amounting to an additional 11 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 3 infant and 3 junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 25 dwellings would generate the need to provide for an additional 7 secondary including post16 pupil places.

Queen Elizabeth's Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 7 secondary including post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions."

Environment Agency

5.4 "We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

From a flood risk perspective, the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency."

Highway Authority

5.5 “We appreciate that this is an ‘Outline’ planning application with “some matters reserved”, however we note from the submitted application and also agree that ‘means of access’ onto the highway and the principle of development in highway terms must be considered at this time.

It is noted that an objection to the application referring to personal injury collisions in the area highlights such data covering a 20yr+ period. I will address this collective data and objection observations as follows.

Derbyshire County Council (DCC) traffic and safety teams regularly monitor the personal injury collision records held by the police to identify sites, including road junctions, where collisions are occurring on a regular basis, where clusters are identified within the latest 3yr or 5yr period. This is considered the normal period for analysis regarding collision data where concern and action is to be taken and where DCC identifies sites for casualty reduction schemes. This particular area adjacent the application site is not one of concern for DCC to take appropriate measures.

The Derby and Derbyshire annual casualty report shows what has been achieved in road traffic casualty reduction within our area, as well as detailed analysis of casualty trends by road user types.

Regarding this application site and proposal this section of highway fronting the site in terms of accident trends is not an area of concern for highway safety as it is noted from the latest data that there are no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5yr period. In short there is only one recorded personal injury collision within the past 5 years which occurred in 2018.

Additionally, the applicant’s agent has clearly demonstrated that given the actual speed of existing traffic that are eastbound on the A515 fronting the site that drivers’ visibility of 59metres should be provided for at the proposed access to the west. My own recent on site observations and assessment in this direction towards the crest of the hill (west of the site) is that driver’s visibility both forward and from the proposed new access arrangement is that a visibility distance of approximately 114metres can be achieved to and from the crest of the hill. Overall, the proposed access arrangement and its visibility in both directions is considered acceptable for the proposed development and its associated traffic generation. Driver’s visibility at the proposed access is to be secured through the below recommended condition.

In terms of development traffic impact there are no highway concerns raised with regards to the access arrangements onto the highway network or its impact on the nearby junction’s capacities.

In summary the highway network is therefore considered satisfactory to be able to accommodate with the proposals without detriment to road users.

The proposal will affect existing signs on the highway and this can be dealt with through the Section 278 process. To conclude the development proposals can be accommodated into the existing network without detriment to other road users and on this basis, there are no

objections to the proposed development from a traffic and highway point of view subject to conditions and informatives.”

Lead Local Flood Authority

5.6 No response from the Lead Local Flood Authority has been received to date. Any response will be provided at the meeting.

DDDC Conservation Officer

5.7 “The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm, and 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area). To the immediate west of the development site are modern houses and the site is bounded on the east by Mill Lane (and an electrical sub-station & Sturston Fields Farm). A public footpath runs parallel to the northern boundary of the site.

The current ‘outline’ application is for the erection of up to 25No. dwelling houses with approval being sought for access. Access is off Belper Road (A517) and its position is indicated on the indicative site plan. A previous application (22/00777/OUT) for 30No. dwelling houses was withdrawn in 2022.

In terms of conservation, a primary consideration is the potential impact of development of the site on the setting of the listed building as the key designated heritage asset. At the southern end of the site, adjacent to Belper Road, are the very scant remains of a former cottage – this was demolished in the late 1950s/early 1960s. A Heritage Impact Assessment (HIA) has been produced. As the application is in ‘outline’ only (with approval being sought for the access) the HIA presents a series of ‘design principles’ to protect the character and significance of nearby heritage assets. The principal proposal is for a “retained green space in south, east & south-east corner to maintain rural setting for listed farmhouse”. The HIA acknowledges the listed farmhouse “is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting”. The HIA notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site. That said, it is considered that the site must be considered as it is today, and whilst the A517 is a busy road the airfield has gone and also the small cottage opposite the listed building has gone. This current situation (which has been so for 50+ years) gives the listed farmhouse a principal aspect over the proposed development land.

The HIA states that “any development proposal will have to be sensitive to conserving this rural immediate setting”. The mitigation that has been promulgated is “the retention of the green space to the south along Belper Road, the east along Mill Road and south-east corner adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch” and that in “keeping this area of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west”. The HIA

also states that in retaining the openness of these areas of the site and re-instating lost hedgerows that it will “ensure also that a historic field pattern is preservedand will maintain an important attribute of local landscape character”. In regard to this ‘design principle’, the HIA summarises that “subject to the retention of the south, east & southeast corner as greenspace, and a diverse and attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse”.

The HIA concludes that “Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest” and that it “makes a positive contribution to the Belper Road gateway into Ashbourne”. The HIA states that the key aspects of the farmhouses’ significance are age, type and intactness. The HIA states that “careful development of the application site would not impact negatively on the current view from the road” and that “the proposed residential development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century”. In relation to Gate Farm, the HIA concludes “that the careful construction of residential dwellings, as proposed, set adjacent to a green buffer of pastoral land will not materially harm the significance of Gate Farmhouse”.

The HIA’s summary that “a diverse and attractive form of development....can be developed in a manner which conserves the character and significance of Gate Farm” is considered to be incorrect as the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The HIA does not appear to consider the setting of the listed building as a key aspect of significance. For many reasons the land immediately south of Gate Farm has remained open and in agricultural use. This has been the case since the listing of Gate Farm in 1974 and that setting (including aspect and experience) is considered to contribute to the significance of the designated heritage asset. The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. As stated above, whilst for a long time a small cottage occupied a site immediately opposite the farm this disappeared completely over 50 years ago and the site must, therefore, be considered in its present day terms. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building, how it is experienced and contributes to its setting & significance and allows, as the HIA acknowledges, that it is ‘appreciated and understood by virtue of being within a semi-rural setting’.

Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 25 No. dwelling houses. It is assumed that the proposed dwellings will be two-storey with dual pitched roofs over. The indicative layout depicts houses (sub-urban rows and groupings) commencing close to the southern end of the site (beyond the proposed entrance point). This is the highest part of the site and it is considered likely, therefore, that housing, of the scale, form and density proposed would present an intensive and visible incursion from the aspect of Gate Farm. It is opined that the incursion of intensive type and form of development in this area, and beyond, would be harmful to the setting & significance of Gate Farm.

The indicative scheme and ‘design principles’ include for some of the land to be undeveloped. Whilst this may be the case, the proposed intensive development of the remaining site area will introduce a building density, mass, volume and presence that will have a potentially harmful impact on the setting & significance of Gate Farm. The 1990 Act imposes a general duty on local planning authorities that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that based on the proposed density and type of development on this land that it will adversely affect the setting of the listed farm. Such a development (notwithstanding the areas of land not to be developed) will not preserve the setting of the listed farm and in that regard there is a finding of harm. Whilst such impact may not be deemed substantial harm, it is likely that the proposal would lead to less than substantial harm. In this regard, the advice is clear, and the NPPF directs that a development proposal that will lead to less than substantial harm should be weighed against the public benefits of the proposal.”

DDDC Environmental Health

5.8 No objection subject to planning condition to control hours of construction works.

DDDC Rural Housing Enabler

5.9 The application comprises 25 units of which 30% or 7.5 should be affordable. Of these 7.5, 1.8 should be First Homes.

The application states 7 homes are to be provided on site. The 0.5 remaining should be provided as an off-site contribution.

Of the remaining 7 homes, 2 should be provided as First Homes. These should form a pair of semi-detached homes, built separately from the other affordable homes to ensure ease of maintenance and future management by a registered provider.

The 5 affordable homes should be provided as affordable rent and comprise 3 x 2 bed 4 person houses and 2 x 3 bed 5 person houses. I would typically expect a scheme of this quantity to meet the nationally described space standards. I would expect the 2 bed units would achieve 79m² and the 3 bed units achieve 93m².

DDDC Trees and Landscape Officer

5.10 The proposals represent a significant development in an edge of settlement location in what is currently agricultural land. There is potential for unacceptable visual impact in the landscape. I recommend that a Landscape and Visual Impact Assessment (LVIA) be required for approval, to be assessed by a Landscape Architect.

Impact to trees

The site contains no trees currently subject to DDDC Tree Preservation Order and the site is not within a conservation area.

A Tree Constraints Plan has been submitted that identifies native hedgerow surrounding the site and a relatively small number of trees also close to the site boundaries. The trees were not considered to be of particularly good quality.

Due to the limited number of existing trees at the site, and the established nature of the hedgerows, their contribution to the character and appearance of the landscape is significant. It is my opinion that any scheme should be laid out in such a way that all existing trees and hedgerows would be retained, appropriately protected during development and integrated into the development for the long-term.

Trees and hedgerows (even those that may not be of particularly high quality) provide many valuable contributions to landscape, environment, people's health & wellbeing and biodiversity.

The site layout design should not propose any development (or site activity) at all within the root protection areas (as defined by BS 5837:2012) of retained trees and hedgerows. This includes surfacing, construction, installation of services/drainage, ground level change, etc.

Site layout design should also locate buildings such that they would not be exposed to excessive shading by retained trees. Buildings should also be located far enough away from trees such that there would not be potential for future pressure to prune or remove them due to fears over falling branches or uprooting trees causing personal harm or damage to property.

Proposed planting of new trees within the development should be given careful consideration to maximise the likelihood of long-term suitability of their locations. Inappropriate locations can result in damage to nearby surfacing through root growth, excessive shading, nuisance leaf/fruit fall etc which can lead to pressure for their removal. Trees need enough space for their rooting systems and canopies to grow to reach their full potential and to allow them to provide their diverse benefits to the maximum extent and over a long period of time.

Species of planted trees also requires careful consideration to ensure maximum likelihood of survival, appropriateness in the local environment and landscape, and good biodiversity benefits. It is likely that native or naturalised species would be most appropriate.

Newly planted trees on development sites tend to have a high failure rate. It is important that well considered and specified tree types, planting methods and aftercare are approved and executed to maximise the potential of planted trees.

DCC Archaeologist

- 5.11 The PDA (proposed development area) borders Mill Lane to the north, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.

I have had sight of the geophysical survey report and this seems, to me, to demonstrate the possibility of the presence of archaeological features, possibly representing a pre-turnpike holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston, a scheduled ancient monument 840m to the north-east, and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA.

The geophysical survey now requires truth testing and this should be achieved through a programme of archaeological trial trenching in the first instance followed by appropriate archaeological mitigation, should said be necessary. These works could be secured, should you be minded, by attaching a suitably worded condition to planning consent.

Any WSI (written scheme of investigation) for archaeological works and the works themselves should be undertaken by a professional archaeological contractor in line with a WSI that has been compiled in consultation with this office.

DCC Policy

- 5.12 The local County Councillor, Councillor Spencer has been consulted for his views on the potential infrastructure requirements that may require contributions from developers. Councillor Spencer's comments are as follows: "The application would be, unnecessary significant incursion into open countryside which I would oppose."

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

DCC Rights of Way

- 5.13 It is clear that the applicants have taken on board some of the comments made by the Rights of Way Section in response to the previous application (22/00777/OUT). However, I am still concerned that the legal line of Ashbourne Public Footpath No. 13 may become obstructed by the proposed swale. Further adjustment to the layout plan may be necessary, or a diversion required. Assurances are needed, by way of clear technical plans, that the proposals will not obstruct the legal line of the path.

The landscape plan suggests that there is an intention to change the surface of the path, which is currently grass. If this is the case, approval for any proposals must be gained from the Rights of Way Section prior to any works to the path commencing.

DCC Sustainable Travel Team

- 5.14 There are bus services on Belper Road with a 2 hourly service to Belper and 2 hourly service to Derby from approximately 0630-1830 Monday to Saturday. So between them provide an hourly service into Ashbourne town centre. The problem is there are not any bus stops in the area adjacent to this new development so we will need funding to put in hard standing, raised kerbs and ideally shelters for two new stops, one either side of the road.

Peak & Northern Footpaths Society

5.15 Fully endorse and support the views of DCC Rights of Way.

Derbyshire Dales Ramblers

5.16 No objection provided that:

- i. Ashbourne FP 13 remains unaffected at all times, including the path surface, both during and after any development
- ii. It is noted that the FP runs inside the north boundary of the proposed development. The plan appears to show a material surface. Permission must be sought from DCC PRoW for any change from the present surface
- iii. Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iv. Any other encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of objection have been received to date. The material planning reasons are summarised below:

- a) The previous application (22/00777/OUT) was recommended for refusal but withdrawn prior to determination. The reasons for refusal are not solvable.
- b) The revisions compared to the previous application are minimal.
- c) The development would harm the setting of Grade II listed Gate Farm.
- d) The development is of significant archaeological interest and warrants further investigation and excavation. The development may reveal historical artefacts linking the site to ancient Sturston and raises questions should the site be preserved in its entirety.
- e) The development would effectively remove the boundary delineation between Sturston and Ashbourne.
- f) The development is outside the settlement boundary in the Local Plan and all exceptions to allow housing do not apply other than a shortfall in the 5 year housing land supply. There are suitable plots in Ashbourne including the airfield which is designated for a major housing estate.
- g) The field is in the area where Shrovetide football passes through and is regularly accessed during games. We have observed the scrum in this field on numerous occasions.
- h) Traffic Surveys are flawed because they only ever represent a point in time between 9am – 5pm that is not actually the time when motorists use excessive speed. We observe in the evenings vehicles travelling both ways at least twice the legal limit.
- i) The development will result in an increase in road traffic accidents.
- j) Impact of the adjacent primary electrical substation upon the site and impact of electromagnetic fields upon human health.
- k) The development would appear to be very cramped.
- l) The development would harm the residential amenity of neighbouring properties.
- m) The Council should consider its responsibilities under the Human Rights Act, particularly Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions including the home and other land. Article 8 states that a person has the substantive right to respect for their private and family life.
- n) The development requires significant excavation work that could have a serious adverse impact upon the stability of the ecological environment.
- o) Implications under the Party Wall Act.

- p) The development would set a precedent for residential development on agricultural land on the edge of settlements.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 25 dwellings on the site, with all matters other than access reserved.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (NPPF) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered later in this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework, the main issues to assess are:
- Whether residential development on this site is acceptable in principle
 - Landscape impact and impact upon the character and appearance of the area
 - Impact on cultural heritage
 - Transport and Impact on highway safety
 - Impact upon the amenity of neighbouring properties
 - Sustainable building and climate change
 - Flood risk and drainage
 - Impact on trees and biodiversity
 - Affordable housing, housing mix and developer contributions

Principle

- 7.6 The application site is not allocated for housing in the local plan and is located outside but on the edge of Ashbourne. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Ashbourne is a first tier settlement and therefore a primary focus for growth and development providing significant levels of jobs and homes.
- 7.7 Outside of defined settlement boundaries and allocated sites policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District

National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

- 7.8 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.9 The application site is located on the end of the limb of residential development which extends eastwards largely on the north side of Belper Road from the town centre. The application site is located between the existing residential development and the junction between Belper Road and Mill Lane which leads to the group of residential properties and farms at Sturston. The access to the site would be approximately 1.5km from the town centre and 300m to the nearest bus stop on Belper Road.
- 7.10 Therefore, in principle, residential development of this site would be in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). The main issues are the impact of the development, whether the development would meet policy requirements for affordable housing, housing mix and developer contributions and the planning balance taking into account the presumption in favour of sustainable development set out by paragraph 11 of the NPPF.

Landscape impact and impact upon the character and appearance of the area

- 7.11 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.
- 7.12 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.13 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.14 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.15 The application site comprises an irregular-shaped field, with the topography rising steeply towards the south western edge. The field boundaries are mostly mature hedges with scattered trees and post and wire / rail fencing. There are three neighbouring residential properties adjacent to the site to the west, north east and south. The northern boundary is to fields, the eastern boundary to Mill Lane and the southern boundary to Belper Road.

- 7.16 The land to the north of Belper Road, including the application site, is located within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area (LCA) and within the Wooded Slopes and Valleys Landscape Character Type (LCT).
- 7.17 This is a landscape of small pastoral fields on undulating, rising ground. Woodlands on steeper slopes, along with hedgerow and watercourse trees contribute to a strongly wooded character. This LCT is characterised by upland ground rising to moorland, moderate to steep slopes, poorly training soils over bands of mudstone and sandstone, permanent pasture, densely scattered small to medium ancient woodlands and secondary woodlands on steeper slopes and along streams, scattered hedgerow trees, irregular field pattern, winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 7.18 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.19 The LVIA identifies that the site also exhibits characteristics of the adjacent Needwood & South Derbyshire Claylands Landscape LCA and the Settled Farmlands LCT. This LCT is characterised by gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes, seasonally waterlogged soils over permo-triassic mudstone, siltstone and sandstone, dairy farming on permanent pasture with localised arable cropping, small woodland blocks and copses associated with steeper slopes, scattered oak and ash trees along hedgerows, dense lines of trees along streams, small to medium size, semi-regular and strip fields enclosed by hedgerows, extensive ridge and furrow, network of winding lanes often sunken on steeper slopes and small clusters of red brick and Staffordshire blue clay tile farms and cottages.
- 7.20 The site was assessed as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA). The draft version (2022) assessed the development of the site to have moderate impact on landscape sensitivity.
- 7.21 The landscape comments within the draft version state: "Single pastoral field on the extreme eastern edge of Ashbourne immediately adjacent to the A517, Belper Road. The land is located within an area of wider sensitivity (AMES) and is opposite a listed farmhouse, potentially forming part of the setting to that building. The site has a visually prominent frontage with Belper Road and a footpath runs against the northern boundary. The site is visible from the listed building opposite and there are more distant views from locations across the Henmore Valley, including residential properties along the B5035. Development of this site is likely to have some adverse effects of landscape character and visually extend development further into the countryside along the A517. The wider landscape has some sensitivity as defined in the (Areas of Multiple Environmental Sensitivity) AMES study and the site needs to be carefully considered as part of the setting to the listed farmhouse located opposite."
- 7.22 The submitted LVIA states that in overall terms, the site and its immediate setting is considered to be of medium value. The local setting is considered to be of medium to high value and the wider setting of the Wooded Slopes and Valleys LCT is of high value. At site level the LVIA states that the development would be likely to result in a major-moderate adverse landscape impact in the short term reducing to moderate adverse in the long-term.
- 7.23 The LVIA states that the site forms a physical gap between Nether Sturston and Ashbourne that contributes to the understanding of their different character. However, the LVIA concludes that the character will continue to be appreciated following the development in the setting of farmland that extends around the wider extent of Mill Lane and the site and the differing architectural qualities of the buildings in Nether Sturston. Furthermore, the LVIA

states that the development character parameters on the submitted plan will secure an appropriate density and appearance that reinforces this understanding.

- 7.24 In terms of wider landscape setting, the LVIA states that the development of the site will not remove the capacity for this to be appreciated elsewhere in the local setting and that there will continue to be an appreciation of pastoral farmland in close proximity to Gate Farmhouse to the south of Belper Road and the wider valley setting.
- 7.25 The LVIA concludes that the landscape and visual effects arising from this proposal are not considered to be unexpected or uncommon and can be effectively mitigated through the primary and secondary mitigation measures in the proposed landscape strategy and masterplan. The development would be sensitive to the defining characteristics of the surrounding landscape, heritage assets and settlement and will have restricted effects on the wider valley setting beyond the settlement.
- 7.26 Officers have sought independent landscape advice from Derbyshire Landscape and Placemaking on the landscape impact of the previous application, withdrawn last year. Officers have taken this advice into account along with the submitted LVIA, SHEELA and AMES.
- 7.27 Derbyshire Landscape and Placemaking provided comments on the previous application for 30 dwellings and broadly agreed with the LSA submitted at the time in terms of the identification of relevant LCA and LCT. The comments also broadly agreed with the description of local views of the site from the west, south and east but considered that 89 Belper Road, 91 Lark Rise and Gate Farm appear as isolated properties rather than the urban edge of Ashbourne.
- 7.28 The development raises concerns in regards to the impacts on the approach to Ashbourne and the expansion of ribbon development and would extend the built edge of Ashbourne into an area where development consists of sporadic isolated properties including the Grade II listed Gate Farm. The site currently provides separation between the edge of Ashbourne and the buildings at Sturston and the development has the potential to create visual coalescence with this group of buildings extending the existing finger of development further east along Belper Road, particularly when viewed from the north.
- 7.29 The site is relatively well contained in the wider landscape where viewed from the east, south and north by existing topography and mature tree and hedge screening. The site is however more open to view from across the valley to the north where the application site is viewed as an agricultural field on the edge of the residential development which projects eastwards from the town centre. From these viewpoints the site is a visual gap between residential development, the sporadic groups of houses around the site, including Gate Farm and the buildings at Nether Sturston.
- 7.30 From closer vantage points the site forms an integral part of the surrounding landscape and the setting of Gate Farm and the group of properties at Nether Sturston. From here the site is not read as adjacent to the built edge of Ashbourne, separated by mature trees and topography. In terms of character and appearance the site is more closely related to the surrounding agricultural landscape, farms and residential properties than the residential estates to the west. Therefore, the erection of up to 25 dwellings on this site would represent a significant change in character. The submitted masterplan and design parameters indicate a relatively low density of development with buildings transitioning to a more rural character. Parts of the site would be left as pasture with historic field boundaries re-instated. Nevertheless, it is considered that the proposed design and landscaping would not mitigate the visual and landscape impacts of the development which would be read as an isolated group of housing visually poorly related to the built edge of Ashbourne.

- 7.31 It is considered that the site is sensitive in landscape terms and in terms of the setting of Gate Farm. It is considered that the development would result in an adverse visual impact upon the character and appearance of the site and its surroundings. It is accepted that parts of the site would remain undeveloped and that there would continue to be agricultural fields around Nether Sturston. Nevertheless, the development would be read as a significant encroachment which would undermine the physical separation between the edge of Ashbourne and Sturston. The proposed residential development would result in a significant change in character and an adverse impact upon landscape character.
- 7.32 The development would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4 and PD5. This impact must be taken into account and weighed in the planning balance.

Impact on cultural heritage

- 7.33 The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm an 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area).
- 7.34 Policies PD2 and AH1 are relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) listed buildings, archaeological sites or heritage features and non-designated heritage assets.
- 7.35 Gate Farm is a Grade II listed building and therefore a designated heritage asset of national significance. The Local Planning Authority is obliged to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.36 A revised Heritage Impact Assessment (HIA) has been submitted with the application. As the application is in outline only (with approval being sought for the access) the HIA presents a series of 'design principles' to protect the significance of nearby heritage assets. The principal proposal is for a retained green space to maintain the rural setting for Gate Farm. The HIA acknowledges the listed farmhouse "is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting". The HIA notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site.
- 7.37 However, the development and potential impacts upon heritage assets must be considered as it is today, and whilst the A517 is a busy road the airfield is now gone. This current situation (which has been the case for over 50 years) gives the listed farmhouse a principal aspect over the application site.
- 7.38 The HIA states that "any development proposal will have to be sensitive to conserving this rural immediate setting". The mitigation that has been proposed is "the retention of the green space to the south along Belper Road, the east along Mill Road and south-east corner adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch" and that in "keeping this area of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west". The

HIA also states that in retaining the openness of these areas of the site and re-instating lost hedgerows that it will “ensure also that a historic field pattern is preserved and will maintain an important attribute of local landscape character”. In regard to this ‘design principle’, the HIA summarises that “subject to the retention of the south, east & southeast corner as greenspace, and a diverse and attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse”.

- 7.39 The HIA concludes that “Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest” and that it “makes a positive contribution to the Belper Road gateway into Ashbourne”. The HIA states that the key aspects of the farmhouses’ significance are age, type and intactness. The HIA states that “careful development of the application site would not impact negatively on the current view from the road” and that “the proposed residential development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century”. In relation to Gate Farm, the HIA concludes “that the careful construction of residential dwellings, as proposed, set adjacent to a green buffer of pastoral land will not materially harm the significance of Gate Farmhouse”.
- 7.40 The conclusion of the HIA that the site can be developed in a manner which conserves the character and significance of Gate Farm is considered to be incorrect the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The HIA does not appear to consider the setting of Gate Farm as a key aspect of significance. For many reasons the land south of Gate Farm has remained open and in agricultural use and this has been the case since Gate Farm was listed in 1974 and the application site therefore positively contributes to the significance of the designated heritage asset.
- 7.41 The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. The planning application is outline with all matters other than access reserved and therefore it is not possible to fully assess the design, layout of the development at this time. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building and contributes to its setting & significance.
- 7.42 Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 25 dwellings. The submitted design parameters document indicates that the proposed dwellings will be 1.5 to 2 storey with dual pitched roofs over. Properties would be designed as a mixture of detached, semi-detached and detached properties of traditional domestic design along with a group of buildings detailed as a farmhouse and barn style. The indicative layout depicts houses commencing at the southern end of the site (beyond the entrance point). This is the highest part of the site and it is therefore likely that housing of the scale, form and density proposed would be prominent and visually intrusive when viewed from Gate Farm.
- 7.43 The application site forms an integral part of the semi-rural setting associated with the listed farm. The development of the site for up to 25 dwellings would result in a significant visual change. The scheme proposes to retain some of the site undeveloped to mitigate the impact upon Gate Farm by retaining a green space. This would retain green space immediately to the front of Gate Farm, however, the character of the field and setting of the listed building would nevertheless remain significantly affected. The retention of the proposed

undeveloped land and landscape and design mitigations would therefore not satisfactorily mitigate the impact upon the listed building.

- 7.44 The proposed development will affect the setting of Gate Farm (Grade II listed). The development will not preserve or conserve the setting of the listed building. The development would result in a significant change in character and impact which will result in harm to the setting of the listed building.
- 7.45 The harm identified would not result in substantial harm to or total loss of the listed building. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. It should be noted that the listed building is a protected asset for the purpose of paragraph 10 d) of the NPPF. Therefore, if the impact of the development upon the setting of the listed building provides a clear reason for refusing the development then the presumption in favour of sustainable development does not apply.
- 7.46 The development would not conserve the significance of the Gate Farm contrary to policies PD2 and AH1. This impact must be taken into account and weighed in the planning balance bearing in mind the statutory duty to have special regard to the desirability of preserving the listed building and its setting.
- 7.47 The County Archaeologist advises that the PDA (proposed development area) borders Mill Lane, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.
- 7.48 A geophysical survey report has been submitted with the application. The County Archaeologist advises that this demonstrates the presence of archaeological features on the site, possible representing a pre-turnpike Holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston. The results of the survey need to be tested through a programme of archaeological trial trenching followed by appropriate mitigation, if necessary.
- 7.49 The application is supported by an archaeological assessment and this is sufficient for implications to be understood in accordance with policy PD2 and the NPPF. If planning permission is granted a pre-commencement planning condition would be reasonable and necessary to ensure that the development is carried out in accordance with an approved Written Scheme of Investigation (WSI) to mitigate impacts upon and record archaeology, as appropriate.

Transport and Impact on Highway Safety

- 7.50 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.
- 7.51 The application is supported by a Transport Statement (TS) which concludes that site is located approximately 1.5 kilometres east of Ashbourne Town Centre and has several options to travel by non-car sustainable modes. This includes a bus stop within 300 metres of the site that provides access to Derby and Belper. The TS states that there has only been 1 recorded accident within the most recent 5 year period. The accident was classified as slight and involved one vehicle and two casualties. The TS therefore concludes that there is no evidence of ongoing highway safety issues.

- 7.52 The TS states that the development could generate up to 162 daily two-way vehicle movements, with up to 18 two-way movements during the busier morning peak period. This would result, on average, in an additional vehicle movement every three minutes in either direction during this period. It is noted that this assessment is based upon 30 dwellings and therefore the proposal for up to 25 dwellings would result in fewer movements. This level of additional traffic is considered to be negligible and would not result in a severe impact upon the road network.
- 7.53 Access is not reserved and therefore must be assessed as part of this application. The proposed access demonstrates a 5.5m carriageway can be achieved with the required visibility splays based on the recorded vehicle speeds along Belper Road. The TS therefore concludes that the proposed access provides the required dimensions and levels of visibility to ensure a safe and suitable access can be achieved.
- 7.54 The Highway Authority have been consulted and have provided comments on the submitted application, TS and representations raising issues in relation to highway safety. The section of highway fronting the site is not considered to be of concern in terms of accident trends. The latest data show no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5 year period. There is only one personal injury collision within the past 5 years which occurred in 2018.
- 7.55 Furthermore, the application demonstrates that the speed of traffic travelling eastbound on the A517 that visibility of 59m should be provided at the proposed access to the west. The Highway Officer has previously visited the site and assesses that a visibility distance of approximately 114m can be achieved to and from the crest of the hill. Overall the proposed access arrangement and its visibility in both directions is acceptable and could be secured by the imposition of appropriate planning conditions if permission were granted.
- 7.56 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has demonstrated that safe access could be provided and that the development would not harm highway safety in accordance with policies S4 r) and HC19.
- 7.57 The site is located approximately 1.5km from the town centre and is connected by a pedestrian footway along Belper Road. Occupants of the proposed development would therefore be within a 15 – 20 minute walk of the town centre. The development is also within 300m of a bus stop on the eastbound carriageway providing services to Belper and Derby. There are however no bus stops near or adjacent to the application site for services towards Ashbourne. The County Sustainable Travel Team advise that funding will be required to create additional bus stops.
- 7.58 Given the distance from the site to the town centre it is considered reasonable and necessary for the development to contribute to the provision of new bus infrastructure. This would ensure that the development is well related to public transport infrastructure so that occupants have the option of more sustainable transport modes and thereby minimising the need to travel by private car. If planning permission is granted a grampian planning condition could be imposed to require infrastructure to be completed, in accordance with an approved scheme before the first occupation of any part of the development. A planning condition to secure a travel plan would also be reasonable and necessary in accordance with policy HC19.
- 7.59 Therefore, subject to conditions the application does demonstrate that the development can be safely accessed in a sustainable manner in accordance with policies S1 and HC19.

- 7.60 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.
- 7.61 The development would result in the erection of up to 30 dwellings on site along with associated gardens, open space, roads noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Gate Farm and Sturston Cottage which look directly onto the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.
- 7.62 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration, nor are potential impacts upon property value.
- 7.63 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and can be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities. The development would be sited in proximity to the existing substation, however, the nearest dwellings would be separated from it by the proposed undeveloped strip of land. There is no evidence to indicate that the substation could cause significant health issues to occupants and therefore this is not a reason that could be substantiated to refuse the application.
- 7.64 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

- 7.65 The application is outline with all matters reserved other than access. Nevertheless, the impact of the development upon climate change fundamentally relates to the principle of the development and therefore should be assessed at this stage.
- 7.66 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.
- 7.67 The application is supported by a climate change statement (CCS). The statement concludes that the development is sustainable in relation to the town centre and promoting sustainable transport. The proposed dwellings would achieve the Future Homes Standard which will complement building regulations to ensure new homes built from 2025 will have significantly less carbon emissions than comes delivered under current regulations. The dwellings will all have solar panels and air source heat pumps.

- 7.68 Furthermore the CCS identifies that majority of existing trees will be retained and new planting will be carried out which will provide shade, reduce carbon emissions and act as part of a Sustainable Urban Drainage Scheme (SuDS) and reduce noise for occupants from the A517. Finally, electric vehicle charge points would be installed to each dwelling along with energy efficient lighting. Water usage would meet the requirements of building regulations.
- 7.69 Notwithstanding the concerns raised in regard to landscape and visual impact the site is sustainably located in terms of distance from the town centre and availability of public transport. The application also demonstrates that the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

- 7.70 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.
- 7.71 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.
- 7.72 The FRA includes a drainage strategy. This strategy concludes that surface water would likely be able to be dealt with through infiltration (into the ground) using soakaways, infiltration basins or bio-retention systems (raingardens tree pits or swales). This would be the most appropriate means of dealing with surface water from the new impermeable areas created by the development and would potentially contribute positively to biodiversity. The indicative plan shows a swale along the northern boundary of the site.
- 7.73 The drainage strategy states that if infiltration is not possible then the next appropriate option, in accordance with national guidance, would be discharge of surface water to the watercourse located 10m to the north of the site. If direct access to the watercourse was not possible then connection to the Severn Trent surface water sewer crossing the site would be appropriate as this discharges to the same watercourse. If infiltration is not possible then attenuation storage will be required to ensure that surface water runoff from the site is no greater than the existing greenfield runoff (taking into account climate change).
- 7.74 Foul water would be to the main sewer which is acceptable and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.75 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have not responded to date but raised no objection to the previous withdrawn application which proposed up to 30 dwellings on the site, subject to conditions to agree, implement and verify a detailed drainage scheme. Any response from the LLFA will be updated at the meeting.
- 7.76 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately floor resistant and resilient. Any residual flood risk could be safely managed and safe access and escape

routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance either by infiltration (into the ground) or to a surface water body.

7.77 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

7.78 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity.

7.79 The application is supported by a ecological impact assessment (EclA), great crested newt eDNA report (GCN) bat activity survey report (BAS) and biodiversity net gain strategy (BNGS). A tree constraints survey (TCS) has also been submitted.

7.80 The TCS records 22 individual trees and 10 group features (9 of which are hedges). Most of the trees are early-mature. The most numerous species are sycamore, there is an attractive large lime at the northern field boundary along with a nearby twin-stemmed elm. Other trees on site include hawthorns and low-quality goat willows. Boundary hedgerows are dominated by hawthorn with elder, elm, hornbeam, sycamore and privet present in limited areas.

7.81 None of the trees merit retention category A. Retention category B is assigned to lime tree 22 (which is at the upper end of category B) and sycamore 13. The remainder of trees on site fall within category C. The application demonstrates that the majority of the trees could be retained with the exception of sycamores 14 and 08 which are not structurally viable in the long term. A section of the hedgerow facing Belper Road would need to be removed to facilitate the creation of the access.

7.82 The Council's Tree and Landscape Officer recommends that all trees are retained within the development with the exception of the trees identified with structural issues. The application demonstrates that this can be achieved with sufficient space for protection measures during construction. If permission is granted planning conditions would be recommended to ensure the development is carried out in accordance with an Arboricultural Impact Assessment and Method Statement.

7.83 The submitted EclA states that there are no statutory site within 2km of the application site. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.

7.84 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The EclA and BNG reports confirm the presence of hedgerows and some of these would qualify as Habitats of Principal Importance. The hedgerows are for the most part situated around the boundaries of the site. The majority of the site is assessed as modified grassland in fairly poor condition with a smaller area of modified grassland in good condition. Modified grassland is typically species poor and not generally considered to be of nature conservation significance.

- 7.85 Potential impacts on protected species are assessed within the EclA and the GCN. Overall impacts on protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected. Four sycamore trees and one lime tree were assessed as having moderate potential for supporting roosting bats. Additional bat survey has been carried out to assess the suitability of the two trees to be removed for bats. On the basis of the submitted report bats will not be adversely affected.
- 7.86 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures a Construction and Environment Management Plan (CEMP) and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.87 The BNG report concludes that the development will deliver a net gain for habitats and hedgerows on-site of 17.36% for habitats and 54.37% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. DWT raise no objection subject to planning conditions which are necessary, if permission is granted, to secure mitigation and enhancement measures.
- 7.88 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.89 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.90 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The Education Authority also has requested no contribution towards education facilities on the basis of their analysis.
- 7.91 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. This is supported by the Council's Housing Team. Therefore, 7 units of affordable housing would be delivered on site, of which 2 would be First Homes in accordance with national planning guidance. A financial contribution would be required for the remaining amount. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.92 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Ashbourne Neighbourhood Plan policy HOU1 has a more specific policy for housing mix, referring to the Ashbourne Housing Needs Assessment. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bed roomed dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan, Neighbourhood Plan and the Council's Housing Team. If permission is granted a planning condition to secure an appropriate mix would be necessary, with provisions to agree a different mix, where justified.

7.93 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.94 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 25 dwellings is 243.5m² for parks and gardens. In this rural location a natural green space would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. Allotments would not be appropriate on this site, therefore a contribution based on the requirement of 3.94m² per dwelling would equate to £1,773. The site is not a sufficient size to deliver a play area (LAP), however, there are several sites identified in Ashbourne by the Neighbourhoods Manager where improved play provision is required. Therefore, a contribution based on the requirement of 1.62m² per dwelling would equate to £4252.50.

7.95 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments and play areas can be secured by prior entry into a planning obligation.

7.96 Therefore, subject to condition and prior entry into a planning obligation to secure affordable housing provision and development contributions for education and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.97 The Council is unable to demonstrate a 5 year housing land supply at this time. The development plan makes provision for new housing on the edge of tier 1 – 3 settlements in these circumstances. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.98 Having regard to this, the consultation responses and representations received it is considered that the key issues are the impact of the development upon the landscape and character and appearance of the area and the impact upon the setting of Gate Farm a Grade II listed building.

- 7.99 The development would result in a significant visual change to the site and the development would appear visually as an isolated group of housing projecting into an area with a distinctive rural character. The development would extend the edge of Ashbourne in a manner that would undermine the undeveloped character between the edge of Ashbourne and the group of buildings at Sturston. The application site makes a positive contribution to the setting of Gate Farm and the development would significantly harm this open rural setting by introducing an urbanising form of development.
- 7.100 The harm to the setting of Gate Farm would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits. The harm to the setting of the listed building is considered to be moderate-high. The development would deliver up to 25 dwellings at a time where the Council is unable to demonstrate a 5 year housing land supply and this must be given significant weight. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver up to 7 affordable homes on site and make a financial contribution for the remaining policy requirement. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and would be commensurate with any residential development.
- 7.101 The visual and landscape impact and the harm to the setting of the listed building would be significant. In determining this application the Local Planning Authority is obliged to give great weight to and have special regard to the desirability of preserving the listed building or its setting. In that context, it is considered that the harm identified to the listed building would not be outweighed by public benefits and therefore the presumption in favour of sustainable development set out by paragraph 11 of the NPPF does not apply.
- 7.102 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

Refuse for the following reasons:

1. The development would harm the setting of Gate Farm (Grade II listed) contrary to policies S1, S4 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy AH1 of the Adopted Ashbourne Neighbourhood Plan (2021). The public benefits arising from the development would not outweigh this harm and therefore the development is contrary to the National Planning Policy Framework (2021).
2. The development would have an adverse visual and landscape impact and harm the character and appearance of the area contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

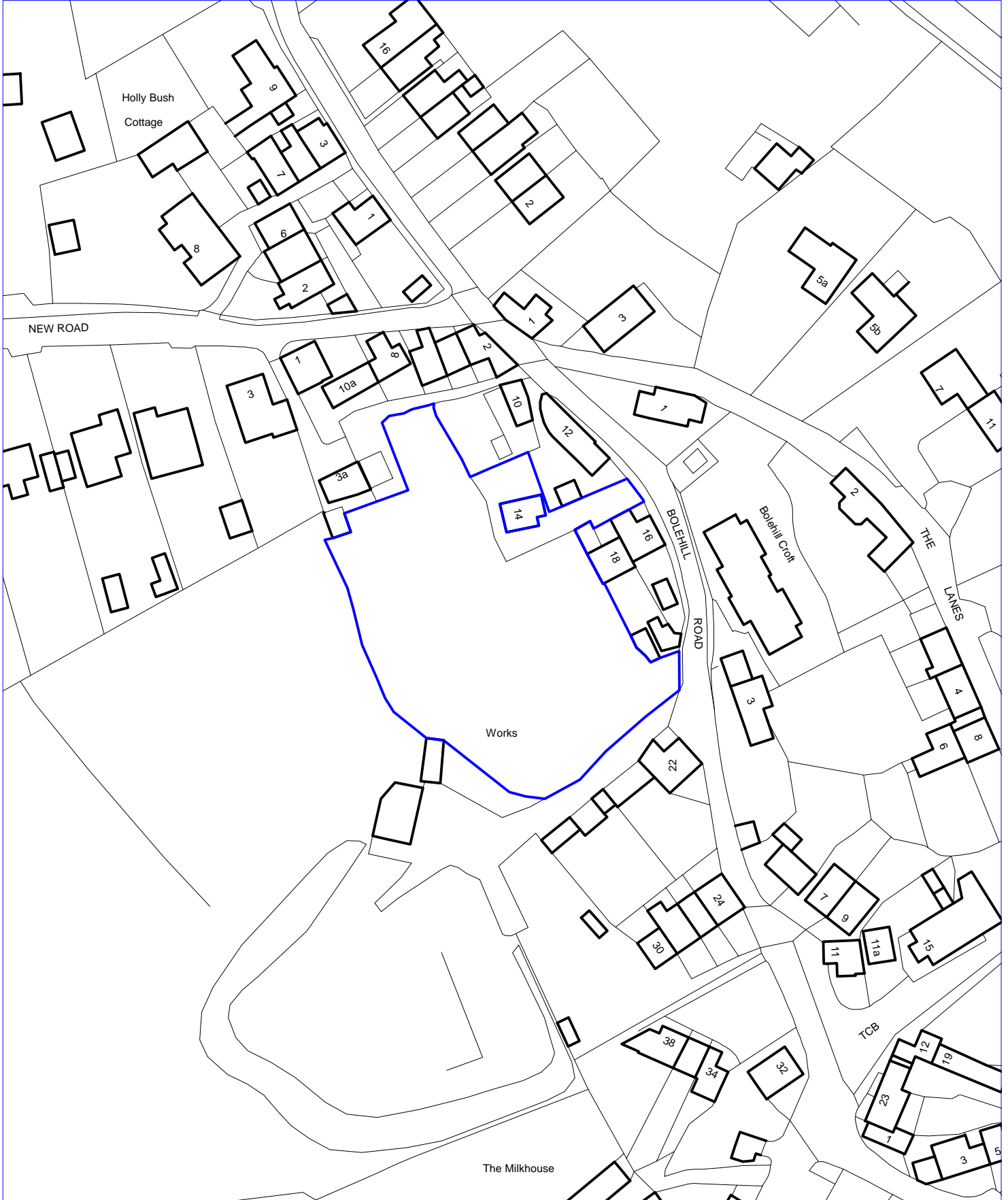
9.0 NOTES TO APPLICANT:

The Local Planning Authority has provided pre-application advice and met and discussed the merits of the application with the applicant during the course of the application and has agreed extensions of time to facilitate the submission of additional information. There was no prospect of resolving the fundamental planning problems with the application 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 within the agreed extension of time and thereby allowing the applicant to exercise their right to appeal.

This permission relates solely to the application form and the following plans and documents:

Indicative Proposed Site Plan 003
Site Location Plan 2993-001
Existing Site Plan 2993-002
Design and Access Statement
Climate Change Statement – Ref 2993_CCS_V1
Tree Constraints Survey – Ref JC/315/220621
Landscape and Visual Impact Assessment Issue 1
Heritage Impact Assessment – Ref 2993_HIA_V4
Archaeological Desk-based Assessment – Ref YA/2022/069
Geophysical Survey Report - Ref MSSK1435
Ecological Impact Assessment P2344/1_01
Biodiversity Net Gain Report – Ref P2344/1_02
Great Crested Newt eDNA Report – Ref P2334_01
Flood Risk Assessment – Version 2.0
Transport Statement – Ref F21110 A
Development Design Parameters August 2023

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APPLICATION NUMBER		23/00178/FUL	
SITE ADDRESS:		The Gables, 14 Bolehill Road, Bolehill, Matlock, Derbyshire, DE4 4GQ	
DESCRIPTION OF DEVELOPMENT		Demolition of dwellinghouse and erection of 5no. dwellinghouses with associated access and parking	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Straw and Jones Ltd
PARISH	Wirksworth	AGENT	Guy Taylor Associates
WARD MEMBERS	Cllr. D. Greatorex Cllr. L. Peacock Cllr. P. Slack	DETERMINATION TARGET	13 th September 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member and given the number of dwellings proposed	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposals in their context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of the development • Impact on the character and appearance of Conservation Area • Impact on residential amenity • Highway safety • Nature conservation and biodiversity enhancement • Flooding and drainage • Site contamination • Climate change

RECOMMENDATION
That the application be approved subject to conditions set out in section 8.0 of the report.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site lies to the west of Bolehill and is within the Bolehill Conservation Area. There is an existing dwelling on site along with a number of traditional outbuildings. The site is of varied topography with a slope downwards towards the open fields to the west of the site and a slope downwards towards the south of the site. There is an existing vehicle access to the east of the site for the existing dwelling No. 14 and an access track to the south of the site. A pedestrian access to the site exists to the north of the site opposite the existing row of cottages.
- 1.2 The site is surrounded by existing residential development in the form of vernacular cottages to the north, east and south. The roads into this area of Bolehill are narrow, typical of historic areas within the district. To the south west of the site lies the entrance to the Bage Mine, which is allocated as a SSSI due to the rare geological forms found within the mine, Matlockite and Cromfordite. The mine itself runs underneath the application site.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of five dwellinghouses. Outline planning permission (ref. 09/00574/OUT) was granted in 2009 for the demolition of the Women's Institute (W.I.) hut and a house on the site and the erection of seven new dwellings, access roadway and a communal garage block. There was a subsequent approval of reserved matters and latter amendments made, the last being 14/00667/VCOND for changes to the appearance of the dwellings but none have been implemented although a commencement of the planning permission has taken place which include the W.I. hut having been demolished and regrading works undertaken to the site.
- 2.2 The development would be accessed by a new road, in a very similar location and alignment with the previously approved access road. It is proposed to have three detached houses off the western side of the access road and two detached dwellings on the eastern side of the access road. All the properties are proposed to be two-storied but, due to land topography/levels, those on the western side of the access road, the dwellings to the west are proposed to be split level, i.e. from the access roadway they will appear as single-storey. All of the properties have been designed in a 'contemporary' manner with dual pitched roofs (grey standing seam metal and clay tiles) and natural stone for the walling and render for the walling. All of the properties will have chimneystacks.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S2	Settlement Hierarchy
S3	Development within Defined Settlement Boundaries
S7	Matlock/Wirksworth/Darley Dale Development Area Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC1	Location of Housing Development
HC4	Affordable Housing Provision
HC19	Accessibility and Transport
HC21	Car Parking Standards

3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)

- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 Wirksworth Neighbourhood Development Plan (2015-2028)
- Policy NP1 Setting and shape of settlement
 Policy NP2 Quality and character of development within the settlement
 Policy NP4 Size of new homes and space standards
 Policy NP5 Principal residence homes
 Policy NP6 Quality of residential development
 Policy NP7 Energy-saving standards for new dwellings
- 3.5 Bolehill Conservation Area Appraisal
- 3.6 National Planning Policy Framework
- 3.7 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- | | |
|----------------|---|
| 05/00706/OUT | Erection of 5 no. dwellings, village hall, associated car parking, new access road and alterations to access (outline) - Granted |
| 09/00574/OUT | Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access - Granted |
| 11/00387/REM | Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access (approval of reserved matters) – Granted |
| 11/00615/VCOND | Section 73 Application - Demolition of existing dwelling and former W.I. building and erection of 7 no. dwellings and associated access without compliance with Conditions 24 and 25 of planning permission 09/0574/OUT – Granted |
| 11/00912/FUL | Erection of dwellinghouse (revisions to previously approved scheme for Unit 1) – Granted |
| 14/00428/VCOND | Variation of conditions 1 and 2 of permission 11/00387/REM in order to amend floor levels, ridge heights and boundary treatments to 7 dwellings - Granted |
| 14/00667/VCOND | Variation of condition 3 of 09/00574/OUT to alter the appearance of the 7 dwellings – Granted |

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comment
 - have declared a Climate Emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

Environment Agency

- 5.2 - the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site
- no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Local Highway Authority (Derbyshire County Council)

- 5.3 - have commented previously in similar proposals on this land and no highway objections were raised subject to conditions.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.4 - re-development of this site will be a potential enhancement to this part of the Conservation Area in so much as the current disused condition and appearance of site will be altered and developed
- suggest conditions be attached to any grant of planning permission.

Development Control Archaeologist (Derbyshire County Council)

- 5.5 - have previously been consulted on the proposed development area in 2009, 2012 and 2014
- proposed development area lies within the Bolehill conservation area (DDR7029) – request DDDC conservation officer be consulted regarding the proposals
 - proposed development area is adjacent to the site of Bage Lead Mine (MDR14026) which is recorded on the Derbyshire HER as being of regional significance and there is potential on the site for below-ground archaeology associated with historic lead mining and this should be recorded through archaeological monitoring of groundworks within the site and appropriate recording of any archaeological remains exposed
 - these works can be achieved by attaching a condition to planning consent, the wording of which might read.

Natural England

- 5.6 - consider the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
- provide generic advice on other natural environment issues
 - refer to advisory notes

Derbyshire Wildlife Trust

- 5.7 - further to raising initial concerns over the extent of information submitted, have reviewed the subsequently submitted Preliminary Ecological Appraisal (PEA), Bat Activity Survey Report and Reptile Survey Report (ML-Ecology, 2023) and raise no objection subject to conditions.

Environmental Health (Derbyshire Dales District Council)

- 5.8 - no objection in principle but recommend that standard working hours, including deliveries to site, are applied as a condition to this application.

6. REPRESENTATIONS RECEIVED

- 6.1 Three representations have been received objecting to the proposal. A summary of the representations is outlined below:

Policy principle

- understood for several years that the development was to include several houses, some of which would be affordable housing - current application appears to have reduced the number of houses and focusses on executive style homes

Impact on amenity

- property faces directly onto the aspect of the development site where the rear of the existing two storey dwelling is situated
- note the new planning application shows a large house (type 3) backing directly onto property boundary which is closer than the existing property and different to the previous planning application where low level garages would back onto the property
- concern of the impact this will have on the availability of light to neighbour's garden and house, particularly as the proposed new house is also wider than the existing one, and the aspect is south facing
- the size and proximity of the proposed dwelling will significantly impact the view
- concerned about the effect the building works will have on property and garden due to the large amount of dust and noise that will be produced, making garden unusable during that period
- other side of my garden faces on to the pedestrian access to the site, where again the light will be blocked by growth from the proposed trees that line the walkway and concerned the roots will cause damage to the stone-built boundary wall
- if all elements of the development on neighbour's property boundaries remain as planned, home and garden will be enclosed on all sides and leave property and garden feeling closed in and oppressive
- not opposed to the development in its entirety and note on the plans in other areas thought has been given to how the height of properties and boundaries may affect the views and surrounding homes - ask if a visual impact assessment has been undertaken from the aspect of Bolehill Road where property is situated

Surface and foul water drainage

- site plan shows both grey water and sewage outlets to the South West corner of the site - have a drain that runs through our "nether garden", running in the direction shown on the plan which has blocked on two occasions, flooding the garden and requiring Severn Trent to intervene
- the first occasion were told that it was only a grey water and storm drain, however on the second occasion it was all too evident that sewage was also involved and the inspection cover was changed to reflect this
- second blockage was almost certainly caused by rubble washed down from work on the drains further up Bolehill Road
- workers who cleared the blockage used a camera to ascertain the direction of the drains downhill course, as they had no accurate plans available
- are concerned that if this drain is to be used for the new development that may experience further issues with rubble from the works and/or overloading of the pipework
- the developers plans show the rainwater and sewage drainage that run beneath the plot of land that was formerly the garden to No 6 Bolehill Road - used to be two outhouses located on this land that were used by properties 6 and 8 Bolehill Road, prior to the garden of number 6 being sold
- the outhouses were knocked down circa 1988, but the drains are still in situ and are part of the main sewage system for the surrounding properties, running directly beneath the area that used to be the garden of No 6 Bolehill Road- these need to be investigated to assess the exact route and ensure any sewage drains are not fractured during the

development works, potentially causing an environmental pollution issue, not to mention knock on issues to the properties in the area whose drainage would be affected

- there are existing manholes on the gardens of No's 4 and 8 Bolehill Road, with the direct line of connection being across part of this development
- Bolehill is a very compact area and unfortunately the drainage is not well mapped as discovered about eight years ago when the drains on 'New Road' collapsed and the water board had to send out an investigative team to determine where they actually ran and the type of drains, either rainwater or sewage, that had been affected

Highway matters, nuisance and disturbance

- concern with the impact of heavy plant machinery on sound levels, the roads, buildings, drainage and sewerage systems of the village
- Nan Gells Hill is totally unsuitable for large vehicles and New Road is already uneven and potholed
- there is a very tight turn with limited visibility between new Road and Bolehill Road.
- have been numerous leaks from water mains over the years in both New Road and Bolehill Road and are aware of subsidence issues affecting some houses in the village - all of these can only be exacerbated by the transit of heavy vehicles, in addition to disrupting passage of residents from Bolehill Road and Little Bolehill
- concern regarding planned pedestrian gate to allow pedestrian access from the development to the top of Bolehill Road via the private access driveway that services No's 2 to 10a Bolehill Road - driveway currently allows pedestrian and vehicular access to the properties above and is extremely steep and narrow, with limited visibility from the top of the road and no pedestrian kerbside walkway
- vehicles have to carefully reverse down due to lack of turning area at the bottom, being constantly aware of any pedestrians from the properties this driveway services
- allowing an access thoroughfare for four extra family homes via this route would have a significant detrimental effect on No's 2 to 10a Bolehill Road
- passing footfall would be able to look directly into the properties removing all privacy
- would disturb the peaceful nature of these dwellings by turning what is currently a quiet driveway into a public thoroughfare, have potentially a negative effect on the value of these houses
- would pose a significant health and safety risk to the increased footfall that would occur, especially to any young children that may not appreciate the nature of this route considering this driveway has regular vehicular movement in and out of it
- combining such a narrow private driveway, with reversing vehicles and pedestrian access, to an additional four family homes is an accident waiting to happen
- whilst the developers will no doubt argue that the plot of land already has an access gate onto this driveway, it was in fact originally for the garden of No 6 Bolehill Road prior to the sale of this piece of land and it was never intended to be used as a public thoroughfare, merely as access to a private garden
- it would seem a safer alternative would be to have this pedestrian access sited through the entrance that already exists onto Bolehill Road via plot 5 of this development - this route would allow a safe paved pedestrian walkway on flat, even ground to be built to accommodate this footfall, providing a much safer and riskfree walkway for the development residents whilst keeping the private nature of No's 2 to 10a Bolehill Road intact
- would also keep the footfall of this development within the confines of the land it relates to, rather than allowing it to spill over onto areas not owned by the developers - namely the private driveways of No's 2 to 10a Bolehill Road thus reducing the detrimental affect it would have on these existing properties and their residents.

Two representations have been received in support of the proposals. A summary of the representations is outlined below:

- happy with the plans but, because of the nature of the approach roads, efforts should be made to use small plant and trucks during the construction as the lanes were built for horses and carts
- style of the proposed houses is particularly pleasing in that they are not just rectangular stone boxes with tile roofs, as is all too common in local developments, but the design has been informed by a number of factors relating to the nature of the site and surrounding buildings
- the attention that's been paid to ensuring that the development is beneficial to wildlife is most welcome
- site has been a barren eyesore in the centre of the village for over a decade - even in that time, it has not re-naturalised
- property is immediately adjacent to the site, and will experience some disruption, but looking forward to seeing the development underway - will be a long-awaited enhancement to the village.

7. OFFICER APPRAISAL

Principle of the Development

- 7.1 Previous permissions for this site have a lawful commencement. Therefore, the main issue to assess is whether the proposal is acceptable in terms of design and appearance and impact on amenity. It should be noted that previous approvals have been for seven dwelling whereas the current proposal is for five dwellings. In addition, since the previous grant of planning permission, the Local Plan (2005) has been replaced with the Adopted Derbyshire Dales Local Plan (2017). In addition, the Wirksworth Neighbourhood Development Plan (2015 – 2028) has been adopted. Whilst the policies reflect those of the previous Local Plan (2005), the current policies place greater emphasis on addressing climate change and attaining biodiversity enhancements with development.
- 7.2 Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015–2028) seek to ensure that the development proposals strengthen and improve on the defining landscape and settlement qualities, respect the local character and historic and natural assets of the surrounding area, reinforce local distinctiveness and a strong sense of place and take every opportunity to achieve ecological sustainability and a carbon neutral development, including the use of energy efficiency measures and low-carbon energy generation.
- 7.3 Policy NP4 advises that residential developments of three dwellings or more should include a high proportion of family homes, to the following requirements with at least 65% of the dwellings having three bedrooms or more that the dwellings should be of a size equal to or greater than the Greater London. It is considered that the development proposed generally meets with these aims.
- 7.4 Policy NP5 requires that all new dwellings will be subject to a restriction to ensure their occupation only as principal residence homes. Given that there is an extant planning permission which can be implemented without such restriction, it is considered unreasonable in this case to require such a restriction on occupancy.
- 7.5 Policy NP6 advises that planning permission will normally only be granted for residential development if it scores 12 greens under the criteria in Building for Life 12 (BfL12) and Policy NP7 advises that energy-saving standards for new dwellings should achieve the CSH L6. However, regard must be given to the requirements of building regulations. However, the aims of addressing climate change are also set out in Policy PD7 of the Adopted Local Plan (2017) and in the District Councils Climate Change Supplementary Planning Document (2021) and are addressed below.

- 7.6 There have also been changes with regards to the requirement for affordable housing provision but, given that the proposed development does not exceed 11 dwellings or more, as detailed in Policy HC4 of the Adopted Local Plan (2017), and nor could the site area reasonably provide for such number of dwellings, it is considered that no affordable housing provision/contribution can be required in this instance.

Impact on the Character and Appearance of the Conservation Area

- 7.7 The previously approved scheme was based on house designs in the vernacular tradition but the current scheme is a 'contemporary' designed scheme and the applicant states that the project aim is to 'provide a contemporary response to the local vernacular and complex topography'. The applicant concludes that the proposed *development 'aims to take great consideration to the surrounding context of Bolehill with consideration given to the scale, design and material choice to create...homes that complement the varied complex topography of the site while also retaining the local character of the neighbourhood'*.
- 7.8 It is considered that the proposed layout and general scale/mass of the proposed dwellings is acceptable in this location and context, and their use of the sloping topography. With regard to materials, the use of clay tiles (to the properties on the eastern side of the access roadway) and stonework cladding will relate to the materials found in the Conservation Area and act as a transitional development. Contemporary materials such as metal standing seam roofs, powder-coated aluminium windows/doors and timber cladding have also been incorporated. It was initially proposed to introduce timber cladding to form part of the elevations to house type 1. However, this was considered inappropriate to the context of the area and the proposals have been amended to a self-coloured render, rather than timber cladding, and details of this can be required as a condition on any grant of planning permission.
- 7.9 With regard to the stonework cladding to the walls and chimneystacks, it will be important and fundamental to the development that this has an assimilation to the existing stonework tradition of the houses in the vicinity and area. If the stonework cladding were to be laid/built whereby its character and appearance were too different to the existing in the locality, then the new dwellings will appear anomalous and out of context. In this regard, the proposed stone cladding will require detailed consideration and sample panels would need to be provided as a condition on any approval.
- 7.10 The proposed use of a metal standing seam roof covering, for three of the houses, may be acceptable as the widths of the bays between the seams (generally 300-400mm) give a distinctive pattern and relatively small unit size to the covering. In association with this the external colour of the metal covering will be important and samples should again be a condition of any grant of planning permission. Any rooflights should be flush and for the standing seam roof coverings they will need to fit within the standard bay widths. The applicant also proposes solar panels and it is considered reasonable to attach a condition that these be in a black colour, in a black frame, to seek to blend these with the roofscape to a greater degree.
- 7.11 On 'House Type 1' it is noted, as a contemporary detail, that the windows and doors have no lintels or cills. The detailing of these structural apertures will, therefore, need careful consideration and will need to be required by a condition on any grant of planning permission.
- 7.12 Landscaping works will be important to the overall development and confirmation of drystone walls (locations, heights and type, via a sample length etc.), fences, gates, hedging and surfacings etc. will be required via condition for approval. Subject to the above, and adherence to any conditions, it is considered that the proposed development of the site

would not constitute adverse harm to this part of the Conservation Area and would be an enhancement of the current, rather derelict site.

Impact on Residential Amenity

- 7.13 There are several residential properties to the north, east and south of the site. To the east, of Plot 5 are 10 and 12 Bolehill Road. The dwellinghouse at 12 Bolehill Road is sited some 11m away from the existing dwelling. It is proposed that replacement dwelling would be 1m closer and would have a wider end gable. However, it is not considered that the closer proximity, and size of the replacement dwelling, would be of such proximity to significantly harm the current amenity of that property. No windows are proposed in the facing gable and permitted development rights do not extend to allowing for such windows at first floor level. Further to the north is 10 Bolehill Road which is some 12.7m away and beyond that the dwellings at 2-6 Bolehill Road are some 26m away from the proposed dwellinghouse. This is considered to be reasonable distances to not result in a significant loss of light, outlook or privacy to these dwellings.
- 7.14 Concern has been raised with regard to the proximity of the proposed dwelling at Plot 5 to the garden serving 4 Bolehill Road, which is the principal garden area to this property. The concerns relate to the overshadowing of the garden by the dwelling proposed at Plot 5 and the potential for overlooking it and loss of privacy.
- 7.15 To this end, the applicant amended the proposals to set the proposed dwellinghouse some 7m off the boundary, which would place the proposed dwellinghouse some 1.2m nearer to the boundary than the existing house which is to be demolished. This is considered a reasonable distance to not overshadow the neighbour's garden. As the garden is set to the north, there may be some overshadowing of the garden in the winter months when the sun trajectory is low, but this should not be the case in the summer months when the sun would be above the proposed dwellinghouse. Given there is an existing dwelling to be demolished, and the relative distance to the dwellinghouse to the north being some 26m away, it is not considered that there would be any significant impact on those dwellings.
- 7.16 Concern has been raised with regard to the planting of trees to the west of the garden. Whilst this may have an impact on light, this would not justify a reason for refusal of planning permission given that trees can be planted provided they do not lead to a significant loss of amenity; the trees proposed to be planted in the area would be subject to consideration as part of any landscaping condition and the concerns of the neighbour can be taken into account in providing trees that will serve to soften the development site and yet not be overly imposing on the garden area.
- 7.17 With regard to privacy, between Plot 5 and the neighbouring garden the applicant has detailed that there would be a first floor window serving the bathroom. It is likely that such would be obscure glazed, given the purpose of the room, and it is therefore considered unnecessary to require this as a condition of any planning permission.
- 7.18 The dwellinghouse at Plot 4 looks in a southerly direction towards 22 and 22A Bolehill Road. However, the distance between the dwellings is some 29.5m and it is considered that this would not lead to a significant loss of privacy. Whilst the dwelling at Plot 4 is some 13m away from the dwelling at Plot 3, it is considered that the outlook would be at an angle and would not cause a significant loss of privacy in that regard.
- 7.19 Concerns have been raised with regard to the nuisance of vehicles and pedestrians accessing the site. To this end, the access is set off the existing road junction and the direction of travel is not directly past the side elevations to 22 and 22A Bolehill Road. These properties are a minimum of 6.5m from the access road itself, albeit paving is proposed adjacent to 22 Bolehill Road in order to provide an appropriate visibility splay. A boundary

wall and landscaping are proposed to the front and side of Plot 3 to intervene in views from that property, and from the proposed access road, towards the existing dwellings. In addition, it should be recognised that this access has been deemed acceptable with respect to previous permission for seven dwellings. It should also be noted that Plot 5 would be served directly off Bolehill Road, as is the current dwellinghouse which is proposed to be demolished.

7.20 Plots 1, 2 and 3 are proposed to have the first floor windows facing to the south west. There was concern with regards to balconies being proposed that would allow overlooking of the dwellinghouse to the south, which is a conversion of a former workshop. To this end, the areas above the single storey, lower level projections are proposed to have sedum roofs and the projections will intervene in overlooking of the property below. In addition, the use of such roofs as balconies is not permitted development and any alteration to the windows can be controlled with a wider restriction on alterations to openings for the purposes of safeguarding the character and appearance of the development and the amenity of neighbouring residents.

7.21 Given the above, it is considered that the impacts of the development on the amenity of neighbours, and between plots within the site, have been adequately addressed by the applicant.

Highway Safety

7.22 The Local Highway Authority have commented on previous proposals to develop the site and the means of access and general arrangements have not altered substantially. To this end, the Local Highway Authority has raised no objection subject to similar conditions attached to previous permissions to develop the site.

7.23 The applicant has noted the concern regarding the proposed pedestrian gate to the north of the site. It is advised that there is currently an opening within the stone wall, approximately 2.4m wide and enough to allow vehicular access. It is advised that the pedestrian gate was included to prevent vehicular access to and from the application site. It is advised that, if this is a concern, that removing the gate from the proposal and blocking up the wall could be considered.

Nature Conservation and Biodiversity Enhancement

7.24 Derbyshire Wildlife Trust raised initial concerns with the proposals with regard to the level and nature of the ecological assessments of the site and mitigation measures. Having reviewed the submitted supporting information and aerial photos of the site, the proposals were considered to indicate that the development may constitute a net loss of biodiversity, contrary to the environmental dimension of sustainable development as set out in the NPPF. To this end, DWT requested that a preliminary ecological appraisal of the site be undertaken to ensure that no habitats and/or protected species would be adversely affected by the proposals, and advised that a Biodiversity Net Gain Assessment be undertaken to fully assess any habitat loss/alteration.

7.25 The applicant has submitted further information which includes a Preliminary Ecological Appraisal (PEA), Bat Activity Survey Report and Reptile Survey Report (ML-Ecology, 2023). DWT has advised that a mitigation licence will be required from Natural England to enable the demolition of the dwelling. Assuming lighting will be limited to standard street lighting, no specific lighting condition is considered necessary in relation to bats, as there is little open space to protect from lightspill and spill towards bat boxes/bricks is likely to be minimal. However, DWT would be happy to review any lighting proposals at the request of the Local Planning Authority at a later stage.

- 7.26 The PEA considered the site as offering good quality habitat for common reptiles, supported by an existing record of common lizard within close proximity of the site. A reptile survey was undertaken, comprising seven visits between May and July 2023. No reptiles were recorded during the visits and reptiles are considered likely absent from the site. As such, no mitigation measures or further surveys are required. With the exception of bats, the demolition is not likely to have a direct impact on protected species.
- 7.27 Habitats present on site are common and of relatively low ecological value, being dominated by disturbed, species-poor grassland. An overall gain of +0.1955 habitat units is predicted to result from the proposed scheme. Whilst DWT note that there is an overall loss in grassland units, other habitats of equal or higher distinctiveness are proposed onsite to offset this.
- 7.28 DWT have some misgivings about targeting 'good' condition, when most habitats will be located within private ownership and management will be unenforceable and would not typically encourage this. However, considering the existing habitats, and the limited scope for landscaping within the scheme, on balance, DWT consider the proposals to be acceptable. Given that there is very little public space, and that most habitat will be created within gardens and on green roofs, DWT consider it appropriate to secure details within a detailed Landscaping Plan, rather than a Landscape and Ecological Management Plan, that is unlikely to be enforced/monitored, and that this should include planting specifications and specific seed/plant mixes or turf types. Given the above, there is no objection subject to appropriate conditions.

Landscaping

- 7.29 The site has been cleared of most previous landscaping and will need regrading as part of the redevelopment proposals. To this end, it is considered reasonable to attach a condition on any grant of planning permission that a detailed landscaping scheme be submitted for approval.

Flooding and Drainage

- 7.30 Whilst concerns have been raised with regard to drainage pipework across the site, it would be the developers responsibility to ensure that these were not impacted upon by the development and to meet the requirements for building regulations for this and surface water drainage. In addition, the applicant advises that the proposed scheme intends to use the same drainage strategy as the previously consented scheme (ref: 14/00667/VCOND), through the sewer and greywater on the west of the site, and the proposals are to reduce the number of dwellings from seven to five.

Site Contamination

- 7.31 Whilst not raising the matter of site contamination with the current application, the Environmental Health Section of the District Council has required site investigation work be undertaken and details of any mitigation measures provided in the granting of previous permissions. To this end, it is considered appropriate to repeat such conditions on any grant of planning permission.

Archaeology

- 7.32 As with previous applications, the Development Control Archaeologist has considered the proposals and advises of no objection subject to a Written Scheme of Investigation being undertaken on the site. This can again be a condition on any grant of planning permissions.

Climate Change

7.33 Whilst not a significant consideration with the previous granting of permission to develop the site, measures to mitigate against the carbon footprint of any development are a requirement set out in Policies S1 and PD7 of the Adopted Local Plan (2017) and the Wirksworth Neighbourhood Development Plan (2015-2028). There is also guidance on such contained in the District Council's Climate Change Supplementary Planning Document (2021). To this end, the applicant has advised that air source heat pumps and solar panels would be provided to each dwelling, along with electric vehicle charging points. With regard to the build, it is expected that the stone would be sourced from a relatively local quarry. Nevertheless, full details of measures to address the carbon footprint of the development can be secured as a condition on any grant of planning permission.

Conclusion

7.34 The principal changes to the extant planning permission are the number of dwellings now proposed being reduced from seven to five, the design and appearance of the proposed dwellinghouses, amenity matters and the matters which have greater relevance in the consideration of planning applications in terms of addressing climate change and enhancements required to biodiversity.

7.35 The proposed layout and general scale/mass of the proposed dwellings is acceptable in this location and context, and the use of the sloping topography. With regard to materials, the use of clay tiles (to the properties on the eastern side of the access roadway), stonework cladding and render will relate to the materials found in the Conservation Area and act as a transitional, albeit contemporary development. With regards to the impact on amenity, it is considered that this has been reasonably addressed with the amendments made to the initial scheme submitted with this application. The applicant has also sought to address matters of climate change and biodiversity enhancement.

7.36 Given the above, it is considered that the proposals generally accord with the aims of relevant policies contained in the Adopted Derbyshire Dales Local Plan (2017) and the Wirksworth Neighbourhood Development Plan (2015-2028) and it is recommended that planning permission be granted subject to appropriate conditions.

8. RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans except insofar as otherwise required by other conditions to which this permission is subject:

Drawing Nos. 812-1409-1-(08) 002, 006 and 008 and A3-01 received on 20th February 2023

Amended Drawing Nos. 812-1409-1-(08)001 B and 009 A 27th July 2023.

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

3. Before the dwellinghouses are first faced, details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a sample of the stone
 - a sample of the proposed render, to include its colour and finish;
 - details and/or a sample of the roofing material;
 - details of the rooflights, which shall be a flush fitting type;
 - details of rainwater goods and pipework;
 - details of the solar panels;
 - details of the type and positioning of the air source heat pumps; and
 - the positioning and colour finish of external meter boxes.

The development shall thereafter be undertaken with the approved samples/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

4. Before the dwellinghouses are first faced, sample panels of the facing materials, to measure 2m x 2m, shall be provided on site for inspection and approval in writing by the Local Planning Authority. The dwellings shall thereafter be faced in accordance with the approved plans and sample panels.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

5. Prior to installation, detailed plans of all windows and doors, at a scale of 1:10, and details of their finish and surrounds, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plans/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

6. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”

The WSI should be assembled by the archaeological contractor engaged to do the work in the field and should be produced in consultation with the Development Control Archaeologist at Derbyshire County Council.

Reason:

To ensure the appropriate recording of any on site archaeology in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. No means of enclosure shall be erected until the design, location and materials to be used on all boundary walls/fences/screen walls/retaining walls, etc. have been submitted to and approved in writing by the Local Planning Authority and, where deemed necessary, sample panels of 2m x 2m of the walls shall be provided on the site for inspection. The boundary treatments so approved shall then be completed prior to the occupation of each dwelling and shall thereafter be retained in perpetuity.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

8. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellinghouse, the details of which shall include:
 - a) details of any vegetation to be retained;
 - b) soil preparation, cultivation and improvement;
 - c) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) grass seed mixes and sowing rates;
 - e) finished site levels and contours; and
 - f) hard surfacing materials.

Reason:

To ensure the satisfactory landscaped setting of the development to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

9. All soft landscaping comprised in the approved details of landscaping (condition 8) 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.

Reason:

To safeguard the character and appearance of the development in accordance with Policies S1, S3, PD1, PD2, PD5, PD6 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to any excavations taking place on the site, space shall be provided on site for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors' vehicles in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

11. Prior to any other works commencing, excluding Condition 10 above, the new access shall be formed with Bolehill Road. The access shall have a minimum width of 4.8m and be constructed as a splayed vehicular crossover in accordance with Derbyshire County Council's specification. The access shall be provided with visibility sightlines of 2.4m x 17.7m to the north and 2.4m x 15m to the south, the area forward of which shall be cleared and maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm in the case of vegetation) relative to the nearside carriageway edge.

Reason:

In the interests of highway safety.

12. The gradient of the access shall not exceed 1 in 14 for the first 5m into the site from the highway boundary.

Reason:

In the interests of highway safety.

13. Prior to the occupation of any dwelling, the shared driveway and turning area shall be provided within the site, laid out in accordance with the application drawings and maintained thereafter free of any impediment to its designated use.

Reason:

In the interests of highway safety.

14. Prior to the occupation of any dwelling, the car parking and manoeuvring space shall be laid out in accordance with the application drawing and maintained thereafter free of any impediment to its designated use.

Reason:

To ensure the provision of adequate off-street parking, in the interests of highway safety to comply with Policy HC21 of the Adopted Derbyshire Dales Local Plan (2017).

15. Any gates shall be set back at least 5m from the highway boundary and open inwards only.

Reason:

In the interests of highway safety.

16. Prior to the occupation of any dwelling, details of the bin collection point(s) shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided prior to the occupation of each dwellinghouse and maintained as being available for their designated use throughout the life of the development.

Reason:

In the interests of highway safety.

17. The demolition of the building shall not take place until an appropriate bat licence has been obtained. Upon receipt of a licence from Natural England / site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Bat Report (BJ Collins Protected Species Surveyors, 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence/confirmation of registration will be submitted to the Local Planning Authority once granted.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

18. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and the numbers of features, which will include (but are not limited to) the following:

- using nectar and pollen rich plant and shrub species for any formal landscaping;
- 1x bat tube per dwelling e.g. Vivara Pro Woodstone Bat Tube/Brick on south/west facing aspects at eaves level;
- 1x integral nest brick per dwelling – e.g. Vivara Pro Large, Build in Swift Box or Manthorpe Universal Brick; and
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

Reason:

To safeguard protected species and to enhance biodiversity on the site to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

19. Should vegetation removal or building demolition works take place within the bird breeding season (March to September), then these works shall not commence until a check for nesting birds has been carried out by a suitably qualified ecologist and the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

20. Before any works are undertaken to ground levels on the site, a detailed site investigation shall be carried out to determine the extent and location of mine shafts and wells and the findings shall be submitted to and agreed in writing by the Local Planning Authority. The foundation design shall incorporate the findings of the site investigations and all works shall be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality in accordance with Policies PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

21. Before any works are undertaken to ground levels on the site, ground Investigations shall be carried out by a suitably qualified and experienced engineer, and a scheme to ensure the stability of the area and any structures shall be prepared by a suitably qualified and experienced Structural and/or Geotechnical Engineer, which shall be submitted to the Local Planning Authority for approval before any further works are allowed to commence. The scheme should address the effect of temporary works during construction, as well as permanent works. Works shall be carried out in accordance with the agreed details.

Reason:

To ensure land stability in the locality to comply with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

22. Any abandoned shafts that are discovered during construction works shall be plugged or sealed (not infilled) in a manner to be first agreed in writing by the Local Planning Authority. Works shall then be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality in accordance with Policies PD2 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

23. Before any works are undertaken to ground levels on the site, investigations shall be carried out, and a scheme prepared, by a suitably qualified and experienced Drainage Engineer to ensure that any land drainage problems are identified and remediated in accordance with details which shall be submitted to the Local Planning Authority for approval before any further works are commenced on the site. The scheme submitted should address the effect of temporary works during construction, as well as permanent works. If any ordinary watercourses are identified in the investigations, whether open or piped or otherwise contained, the submitted scheme shall include details of how these are to be retained to ensure they continue to accept and pass on the flow to the length below. Works shall be carried out in accordance with the approved details.

Reason:

In the interests of protecting existing drainage, and to ensure adequate site drainage, comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

24. The principles of 'Sustainable Urban Drainage Systems' (SUDS) shall be followed in the design of the development.

Reason:

To ensure appropriate site drainage to comply with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

25. Prior to the first dwellinghouse being erected, full structural design and calculations of all retaining walls and structures shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details.

Reason:

To ensure the development can be constructed without damaging the Bage Mine SSSI or affecting land stability in the locality, and to ensure the satisfactory appearance of the development, in accordance with Policies S1, S3, PD1, PD2, PD5 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

26. Delivery times to the site during construction shall be restricted to be between 9.00 a.m. and 3.30 p.m. Monday to Friday only.

Reason:

To safeguard the amenities of neighbouring residents to comply with Policies S1, S3, PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

27. Unless otherwise agreed by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 4 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until Part 4 has been complied with in relation to that contamination. Part 5 shall be complied with prior to occupation of the dwelling.

1. Site Characterisation

The requirement for investigation and risk assessment, in addition to any assessment provided with the planning application, to be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.

2. Submission of Remediation Scheme (if identified as being required)

A detailed remediation scheme to bring the site to a condition suitable for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared.

3. Implementation of Approved Remediation Scheme (Validation Report)

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that development required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

5. Importation of soil to site

In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the LPA for consideration prior to importation. Imported topsoil shall comply with British Standard 3882:2007 - Specification for topsoil and requirements for use. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Reason:

To ensure appropriate decontamination of the site in accordance with Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no external alterations or additions shall be made to any dwelling hereby approved and no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To safeguard the appearance of the development and the amenity of neighbouring residential properties to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

29. Notwithstanding the provisions of the Town and Country Planning (General permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed or inserted in any wall or roof of any dwelling the subject of this permission.

Reason:

To safeguard the appearance of the development and the amenity of neighbouring residential properties to comply with Policies S1, S2, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and Policies NP1 and NP2 of the Wirksworth Neighbourhood Development Plan (2015-2028).

NOTES TO APPLICANT:

1. The Local Planning Authority, prior to the submission of the application and during its consideration, has engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme, and subsequent amendments, that overcame concerns relating to the character and appearance of the development and local residents' amenity.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 580000 Ext 38595) before any works commence on the vehicular access within highway limits.
4. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
5. 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.
6. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
7. This decision notice relates to the following documents:

Drawing Nos. 812-1409-1-(08) 002, 006 and 008 and A3-01 received on 20th February 2023

Amended Drawing Nos. 812-1409-1-(08)001 B and 009 A 27th July 2023

Design and Access Statement received on 20th February 2023 received on 20th February 2023

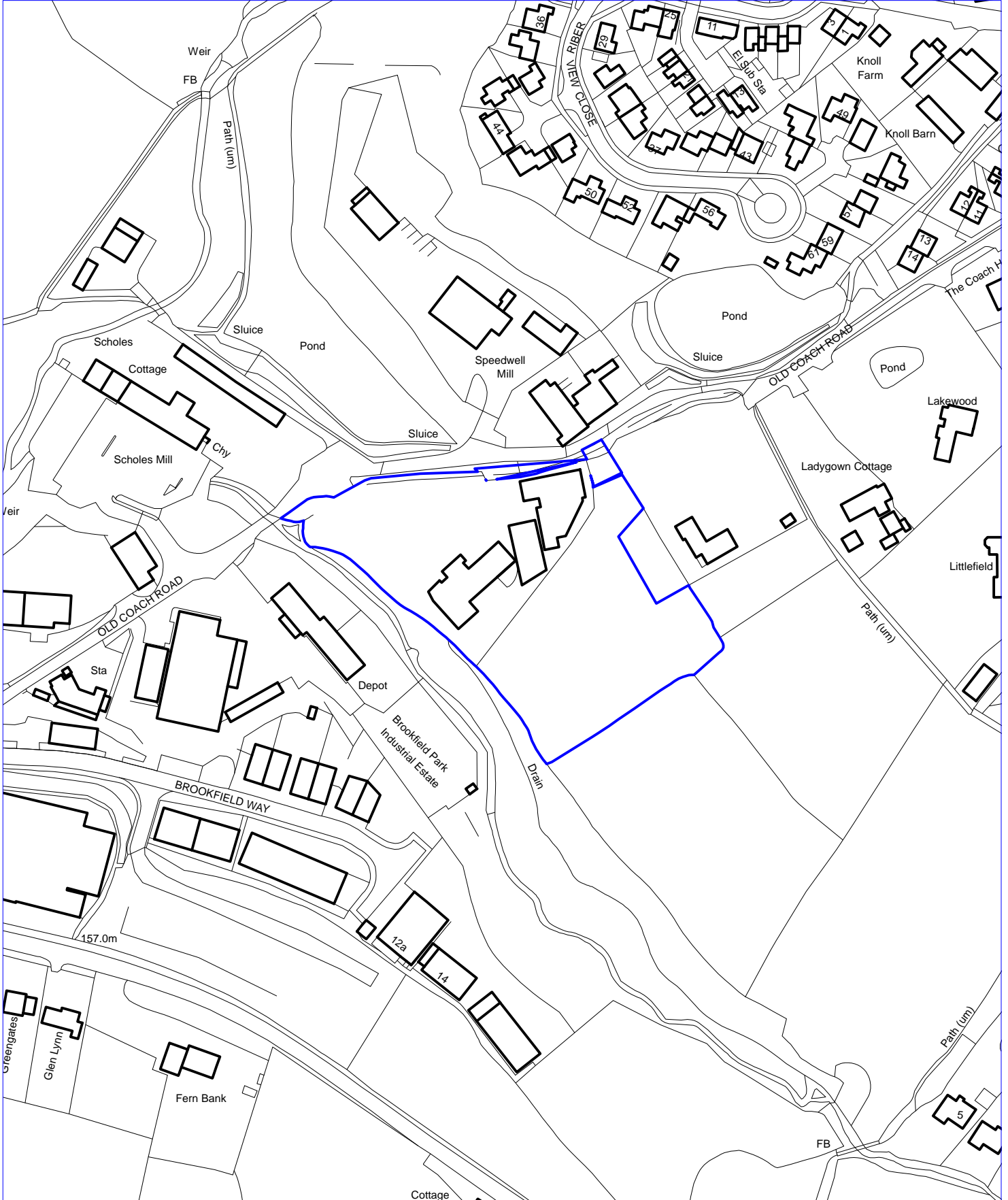
Existing Drainage System Survey Plan received on 20th February 2023

Bat Activity Report received on 1st August 2023

Reptile Survey Report received on 1st August 2023

Area Habitat Spreadsheets received on 26th July 2023
Preliminary Ecological Appraisal received on 26th July 2023
Additional Information received on 26th July 2023.

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APPLICATION NUMBER		23/00115/FUL	
SITE ADDRESS:		Wardmans (Matlock) Limited, Old Coach Road, Tansley, Matlock, Derbyshire, DE4 5FY	
DESCRIPTION OF DEVELOPMENT		Extension to existing workshop and erection of replacement stores building. Creation of private way, hard surfacing and landscaping in association with change of use of field to vehicle yard	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Gordon Wardman
PARISH	Tansley	AGENT	Stuart Hodgkinson
WARD MEMBERS	Cllr. S. Flitter Cllr. D. Hughes Cllr. J. Linthwaite	DETERMINATION TARGET	
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	Major application and to assess the proposed development in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area and heritage assets • Impact on trees and hedgerow • Impact on residential amenity • Highway matters • Nature conservation and biodiversity enhancement • Flooding and drainage • Climate change

RECOMMENDATION
Approve subject to conditions and prior entry into a S.106 planning obligation as set out in section 8.0 of the report.

1. THE SITE AND SURROUNDINGS

- 1.1 The site is a commercial operation located on the south side of the Old Coach Road and includes a sloping field to its rear. The site is in the open countryside, but the existing premises are also within the area defined as the Brookfield Industrial Estate. The site is outside the Lumsdale Conservation Area but abuts it on its north and west sides. Opposite, and on the northern side of the Old Coach Road, is the Grade II listed Scholes Mill and attached Mill Managers House and to the east of that is Speedwell Mill.







2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought to extend an existing workshop and to erect a replacement stores building. In addition, it is proposed to create an access to a field to the commercial site and to re-engineer the profile of the sloping field, introduce retaining walls, hard surfacing and landscaping in order to change the use of the field to a vehicle yard storage yard in connection with the current business.

- 2.2 The extension to the existing building is proposed to add two further bays, and increase of some 35-40% and square off the south elevation. The extension will require the removal of part of the boundary hedgerow to the south and some trees. The design of the workshop extension is that of a contemporary agricultural barn and would copy the existing workshop built in 2020, utilising a steel portal frame clad with green metal panels above concrete plank walls. Internally, the area would be clear to accept vehicles.
- 2.3 The proposal to erect a replacement stores building would involve building over the existing footprint and to replicate the spaces used for retail and the welding workshop; the areas are proposed to be increased and a first floor is proposed to accommodate additional retail, office and canteen facilities. The building is proposed to be a two storey portal frame, walled with split face stone aggregate block work with a treated timber cladding to the front (north west elevation).
- 2.4 The third element of the works is the yard extension. The business of repairing and selling farm machinery is expanding and the field to the south of the current stores would become a hard standing and viewing yard for predominantly towed equipment, balers, tedder-rakes, trailers, muck spreaders, wrappers feeders and the like. The surface is proposed to be generally MOT grade limestone chert. This sharp material, laid in layers without fines, will be permeable and avoid rain-water run-off from this slightly higher land.
- 2.5 The field to the rear was initially proposed to just accommodate vehicles, plant and equipment with no reprofiling. However, concerns were raised with regard to how the storage would appear within the field contextually to existing residential property and with regard to residential development approved to the east of the site (planning permission 22/01190/FUL for the erection of 47 dwellings). To this end, the proposals have been amended to detail level hardstanding, set on two levels within the field, with landscaping to be provided to seek to screen the development from views into the site and also to provide landscaping within the site.
- 2.6 Concerns were also raised with a means of access being provided directly to the site off Old Coach Road via an existing access gate. This has now been shown to be closed off, with the means of access provided via the existing commercial site. It is proposed to undertake further planting of the area between the existing access off Old Coach Road and the field itself.
- 2.7 The applicant advises that the site is adjacent to the Lumsdale Conservation Area and that development is unlikely to impact adversely on its character and appearance as it is already an established use and character within the existing industrial estate setting. It is advised that the development would increase the number of persons employed at the site from a full time equivalent of 14 to 16 persons. The hours of operation are advised to be 08.00 until 19.00 on Monday to Saturday with no working on Sunday or Bank Holidays.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S6	Strategic Employment Development
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change

PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC20	Managing Travel Demand
HC21	Car Parking Standards
EC1	New Employment Development
EC3	Existing Employment Land and Premises
EC5	Regenerating an Industrial Legacy

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 Lumsdale Conservation Area Appraisal
- 3.5 National Planning Policy Framework
- 3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/00566/FUL	Erection of steel framed workshop building – Granted
12/00151/FUL	Extensions to workshops – Granted
0684/0381	Vehicular access, landscaping works and associated engineering - Granted

Adjacent land

22/01190/FUL	Erection of 47no. dwellinghouses with garages and associated infrastructure and landscaping - Granted
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5. CONSULTATION RESPONSES

Parish Council

- 5.1 - the land is green field, and lies outside the settlement boundary for Tansley
- the land abuts the Lumsdale Conservation Area, and forms an important 'green buffer' which helps delineate the Industrial Area from residential development within the settlement of Tansley
- the proposed site does not form part of land allocations for employment land in DDDC Local Plan 2017
- the application is outside the 'plan area' and would create harm to the character and appearance and amenity of the area, and adjacent residential property, the Bungalow, , the garden of which directly abuts the proposed site
- there does not appear to have been any thought for residential amenity, with no mitigation in place - is surprising, and disappointing, that Environmental Health have shown no concern for the future welfare of existing and future residents at this location, as the existing yard works from 8am – 5pm, six and a half days per week
- during the time of operation, the storage and movement and manoeuvring of huge pieces of machinery will impact significantly on the tranquillity of the neighbouring garden and make the garden impossible to use taking away all privacy and amenity

- will impact significantly upon future residents of the luxury apartments approved at the adjacent Speedwell Mill, which will directly overlook the proposed extension to an industrial yard, and be directly opposite a proposed new access point
- the land adjacent at Tansley House Gardens is waiting for planning permission - 46 new homes are proposed and any extension of the Industrial Estate will impact seriously on future resident and their amenity
- to extend the site would further impact upon the substandard right of way, which is not within the applicant's ownership
- the existing site is already intruding on a public right of way on a daily basis, with huge pieces of machinery parked on private land and a public right of way, causing a Health and Safety issue - the applicant using the right of way as an extension of the yard.

Comments on Amended Drawings and Additional Information

- object based upon original objection response
- extension of the business will still take away a valuable green buffer protecting the residential area of Tansley from the Industrial Estate at Brookfield
- site is outside the settlement boundary and butts onto the Conservation Area
- would appear this successful business has outgrown the site, as there is a daily overspill onto the adjacent road/public right of way
- proposals affect the amenity of an adjacent residential building
- think there should be a green buffer delineating residential from industrial
- application is contrary to DDDC Local Plan which does not indicate any extension to Brookfield Industrial Estate
- development fails to comply with the Lowlands Bio Diversity Action Plan, as there will be a loss of tree habitat and a loss of hedgerow – there will be no net gain on site, which is not acceptable bearing in mind the location is adjacent to the Bentley Brook tributary and the fact this brook forms part of the conservation area.

Environment Agency

- 5.2 - will not be making any formal comment on the submission as the development falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.

Comments on Amended Drawings and Additional Information

- do not have any new comments.

Lead Local Flood Authority (Derbyshire County Council)

- 5.3 - no comment

Local Highway Authority (Derbyshire County Council)

- 5.4 - no comment

Public Rights of Way (Derbyshire County Council)

- 5.5 - Tansley Public Footpath No. 16 runs adjacent to the northern boundary of the proposed development site
- no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works
 - attach informatives for the applicant.

Comments on Amended Drawings and Additional Information

- as above.

Peak and Northern Footpaths Society

- 5.6 - no objection provided that the full width of Tansley Footpath 16 (Old Coach Road) is unobstructed at all times.

Comments on Amended Drawings and Additional Information

- as above.

Ramblers Derbyshire Dales Group

- 5.7 - no objection providing that Tansley FP 16 remains unaffected at all times, including the path surface, both during and after any development
- consideration should be given to the safety of members of the public using the Right of Way during the proposed works
 - any encroachment of the paths would need consultation and permission with/from the DCC Rights of Way Team.

Comments on Amended Drawings and Additional Information

- as above
- in addition, DCC Highways and PRow should be consulted on the extensions and creation of a private hardway.

Derbyshire Wildlife Trust

- 5.8 - have reviewed the Preliminary Ecological Appraisal
- the onsite grassland is currently classified as modified grassland, however the site visit was completed in November, which is outside the optimal survey season for botanical assessment and it is possible that additional species are present that could not be recorded at the time of survey
 - description states that damper conditions are present in the south-west and that several species typical of damp grassland were noted and also aware of a separate application on land immediately east of the application area, and the grassland in these adjacent fields, is classed as 'other neutral' and likely comprises degraded MG4 grassland
 - taking these factors into account, advise that the confidence in the grassland assessment is low and that an update survey should be carried out in the optimal survey season
 - the development is likely to result in the loss of 0.4ha of grassland habitat and recommend that losses and potential gains of habitats and hedgerows are quantified using the DEFRA Biodiversity Metric 4.0
 - classification of the existing grassland should be updated and completed during the optimal survey season of April to August (inclusive) to support the Biodiversity Metric calculations
 - details should be submitted to demonstrate how a net biodiversity gain will be achieved, in line with local and national planning policy - this should explore onsite mitigation in the first instance, in line with the mitigation hierarchy, then looking to offsite options if there is no alternative.

Comments on Amended Drawings and Additional Information

- without securing on-site and off-site enhancements, the proposed development will result in the loss of other neutral grassland, along with a 30 m line of trees
- not possible to achieve a net gain on site and still deliver the required development, therefore a combination of onsite planting and offsite habitat enhancement has been proposed which include offsite works comprising the enhancement of 0.2 ha of 'modified

grassland' to 'other neutral grassland' within a separate field owned by the applicant - consider these proposals to be acceptable if correctly implemented in full

- management of on-site and off-site habitats can be secured through a condition for a Landscape and Biodiversity Enhancement Plan (LBEMP) and should include management prescriptions and funding mechanisms for at least 30 years post-development, in accordance with the Environment Act 2021
- offsite location should be adequately secured via 106 Agreement, if necessary.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.9 - clearly a significant change, with potential to result in significant visual impact but, given the adjacent light industrial complex, the development would be read as part of this in the landscape and so would not be visually intrusive - it is not a stand-alone development in open undeveloped landscape
- trees that would be required to be removed to facilitate the proposed development are not particularly valuable in the landscape and their loss would not be significant
 - the submitted arboriculture report includes a number of recommendations regarding protection of retained trees and planting of trees which should all be followed exactly - recommend that this should be subject of a condition to any grant of planning consent and, if correctly followed, these recommendations will effectively limit potential harm to retained trees
 - recommend that additional information in the form of a scale plan with measurements indicated be submitted for approval pre-determination which details the distance that the temporary tree protection fencing should be located from the retained trees and hedgerows – this should enclose the root protection areas of the retained trees (calculated according to the guidelines provided by BS 5837:2012).

Comment on Amended Drawings and Additional Information

- happy with the improvements.

Historic England

- 5.10 - suggest seeking the views of the LPA's specialist conservation and archaeological advisers

Comments on Amended Drawings and Additional Information

- as above.

Design and Conservation Officer (Derbyshire Dales District Council)

- 5.11 - adjacent to Conservation Area, and other heritage assets
- considered that the proposed alterations to the existing buildings are acceptable
 - whilst there will be some changes to the form and finish of the land to the rear of the buildings, it will remain open land (i.e. free of buildings) and this will retain an open land buffer between the industrial sites of this part of Lumsdale/Tansley and the existing (and proposed) built development to the east
 - it is considered that the proposed development works will not have an adverse impact on the adjacent Conservation Area or heritage assets within the vicinity.

Environmental Health (Derbyshire Dales District Council)

- 5.12 - no objections to this application in principle

Councillor S. Flitter

5.13 - support the view of Tansley Parish Council and their detailed response.

Councillor J. Linthwaite

5.14 - having spent considerable time with both the applicant and the nearest neighbours, happy to support this application.

6. REPRESENTATIONS RECEIVED

6.1 A total of two representations have been received with respect to the original proposals. A summary of the representations is outlined below:

Impact on Character and Appearance of the area

- the lower parts of Old Coach Road fall within the boundaries of the Lumsdale Conservation area

Impact on amenity

- would encroach upon an existing residential property (The Bungalow), the residential apartments approved at Speedwell Mill and the proposed residential development of 46 properties (Tansley House Gardens)
- present hours of business advertised as 8am to 7pm, not 8am to 5pm, which would cause further noise pollution and intrusion of privacy to adjacent residential properties
- proposal brings the industrial estate to within 25ft of neighbours' kitchen windows and gives a direct view into the kitchen and lounge area leading to a total loss of privacy within the main rooms of the bungalow
- privacy in back garden was one of the main attractions of buying The Bungalow and is going to be seriously compromised if this goes ahead
- will be 1 x 18m and 1 x 15m uninterrupted viewing areas directly into gardens causing loss of privacy to both the outside area and the bungalow itself
- are going to experience much more noise in our back garden - Wardman's have many large items of agricultural equipment that are going to be extremely visible from my garden and house
- repairs to agricultural equipment are likely to generate high levels of noise in the area, particularly in summer months when machinery may need emergency repairs for harvesting, etc, and hence repairs will undoubtedly be required outside normal working hours, potentially later than normal into the evening and over weekends

Landscaping

- seems little recognition of the proximity of residential properties in the proposed replanting or landscaping of the development.

Highway matters

- concern of the potential use of an existing gated access (unsuitable for heavy, large vehicles) from the bottom of the private Old Coach Road, which the authority has already designated as unsuitable for motors
- although there is a proposal to open an access from their current yard there is still a desire to use the current access from Old Coach Road - this access is very difficult to get to from the industrial estate side of Old Coach Road due to the very bad corner at Speedwell Mill and a very tight right turn into the field could result in increased traffic coming down Old Coach Road from Church St

- will also be far easier to dispatch equipment from the lower part of the field through the existing access and Old Coach Road - this additional traffic is unwarranted and believe unauthorised to use Old Coach Road
- increased use by agricultural and other commercial vehicles along Old Coach Road is already a concern, as exiting out on to Church Street at the village green end is dangerous due to the poor site line and vehicular obstructions
- any increase in the usage of upper Old Coach Road would be contrary to the existing agreements with the owner, which state that it should only be used 'in the event of an emergency' by Salisbury & Wood
- there is an existing pedestrian 'right of way' down Old Coach Road, which is very popular with walkers - greater vehicular usage would further increase the danger of potentially a serious accident

Other matters

- purchased the Bungalow last August and checks were done on the surrounding land and, although we were advised of the housing development to the rear, were assured that the land to the side was a greenfield site and therefore it was extremely unlikely that planning of any description would be granted, and that the area of land would remain a buffer between our property and the industrial estate.

6.2 A total of four representations have been received with respect to the amended drawings and additional information. A summary of the representations is outlined below:

Impact on the character and appearance of the area

- encroachment of the Brookfield Industrial Estate on the green field site that is the buffer between the residential sector continues to be of major concern
- this field, between existing and proposed residential dwellings and the industrial estate on Old Coach Road, acts as a natural buffer between the two areas of Tansley - the use of this field for vehicle storage would blur the boundary between these two uses and would adversely impact the amenities of those living in the residential parts of the village
- change of use of this green field site will encroach on existing and planned residential properties merging the residential area into the industrial estate
- the development would cause unacceptable harm to living conditions and, as such, it conflicts with Local Plan policy PD1 which requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity
- the site directly abuts Lumsdale Conservation Area and Paragraph 194 of the NPPF states that any application should describe the significance of any heritage asset affected by development, including the contribution made by their setting - in this case, the setting of the Conservation Area acts as a buffer between existing residential development and industrial development
- Paragraph 195 states that local planning authorities should assess the significance between the heritage asset and its setting to avoid or minimise any conflict between the heritage asset and the proposal
- Policy PD2 of the Local Plan seeks to conserve the District's heritage assets in a manner appropriate to their significance. Views of the site from the conservation area will be visible and will cause harm to the character, appearance and setting of the Lumsdale Conservation Area.
- the Conservation Consultant has not yet commented on the application – Historic England advise consult your in house conservation specialist – no comment has been received which seems unusual

Impact on amenity

- proposed site plan illustrates that the expansion of the Vehicle Yard into the adjacent southern field will significantly adversely affect my living conditions due to increased noise and a loss of privacy
- There will be a direct view into the kitchen and lounge area of my bungalow and the outside garden area of the property.
- proposed plans show existing tree screening between the garden of my property and the proposed area of hardstanding, however, in reality this isn't the case
- the Design and Access Statement, submitted with the application, highlights that the business of repairing and selling farm machinery is expanding and the extended vehicle yard will store towed equipment, balers, tedder-rakes, trailers, muck spreaders, wrappers feeders, etc - these vehicles being transported and manoeuvred into the extended storage yard will generate additional noise and lead to further adverse noise impacts us due to the yard's close proximity to the bungalow
- although no objection from Environmental Health, a noise survey has not been submitted to assess the impact of the development on neighbouring residents.
- expect a strict operating hours condition to be attached to any permission to ensure there will be no works outside of usual weekday hours and over the weekend.
- the plans and documents submitted alongside the application do not take into account the impact of the proposal on The Bungalow and proposed development at Land North East of Tansley House Gardens, to the south of the site- once these developments have been completed, the impact of the vehicle yard on the amenities of future residents will be even greater
- had planning permission approved to extend the house along the southwest façade to provide a private area which is now going to be severely compromised
- approval of the planning permission could mean that random strangers visiting the industrial area will be able to get within 10 meters of kitchen window is particularly worrisome, bordering on frightening, personally and for daughter - if had been aware of this risk then we would never have purchased the house nor considered further investment in the property
- concerned about the increased level of noise likely to result from the expanded workshop and the movement of the agricultural equipment within the storage area
- peacefulness of the area, being set apart from the main thoroughfare through the village, was a major consideration when purchasing the property - increased noise will destroy the peacefulness of the area and will also detract from enjoyment of the garden
- increased level of traffic in the area (causing further noise pollution)
- expansion of the workshop suggests that work levels will increase (and hence further agricultural equipment will be delivered, worked on and removed again) whilst the additional storage area will equate to more vehicles being stored or placed on display for more customers to view, meaning that more vehicles will be moving around the area, generating further noise as well as diesel fumes
- current level of security lighting on the Wardmans site causes light pollution and to increase this and bring this closer to residential properties would be of concern.
- activity from the current Wardmans site far exceeds the advertised hours of opening - movement of large vehicles currently can cause noise nuisance throughout the day and into the evening/night and if this activity was to move nearer to residential properties it would increase the nuisance caused.

Highway matters

- entrance to the site comes from Alfreton Road at the western end of Old Coach Road but often vehicles will enter the site from the north eastern end of Old Coach Road, in the centre of Tansley village

- road is unadopted and owned by a resident of one of the dwellings, it is unsuitable for large vehicles and can cause disturbance to many residents
- turn into the vehicle yard on Old Coach Road is tight with inadequate visibility
- Policy HC19 of the Local Plan requires that development should be safely accessed in a sustainable manner - the highway should be able to satisfactorily accommodate traffic generated by the development
- as a bare minimum, could a condition be attached to the application requiring all traffic visiting the Wardman's site to arrive from the west of Old Coach Road only?
- feel that the movement of this agricultural equipment (which tends to be oversized and not suitable for use on a public highway) is dangerous in itself
- the workshop is situated off a lane which forms part of a popular walking route around Lumsdale and Tansley, and there are many walkers who use this lane to link the main public walkways - agricultural machines tend to be very large and are not really suitable for being moved in an area which is open for the enjoyment of the general public
- still a concern about the lack of clarity as to where the 'private driveway' will entrance /exit for such large agricultural vehicles
- existing gated access (opposite Speedwell Mill) is over a stream that feeds Bentley Brook and is unsuitable
- bottom section of the private Old Coach Road has already been designated as 'unsuitable for motors' by the authority
- already concern about the amount of traffic using Old Coach Road especially agricultural and other commercial vehicles
- road has been designated unsuitable for motors, and yet is used by vehicles both entering and exiting the industrial site
- no pavement on Old Coach Road, and the exist onto Church Street is across a pavement with obstructed vision - this causes a daily danger to walkers

Impact on ecology

- Derbyshire Wildlife Trust requested a further survey of the grassland site should be done during the 'optimal survey season' between April & August - can find no evidence of this happening.

Other matters

- purchased bungalow in August 2022, knowing that the southeast boundary was subject to planning permission, albeit with a buffer of a field between the property and the housing development itself, but with the knowledge that the southwest boundary was protected from development due to the proximity of the protected area and with the knowledge that the industrial area would not be extended due to the rules regarding infringement on a domestic property.

7. OFFICER APPRAISAL

Principle of Development

- 7.1 There is a policy presumption in supporting the growth of commercial/industrial sites as set out in Policy EC1 of the Adopted Derbyshire Dales Local Plan (2017). This advises that the District Council will generally support proposals for the expansion of existing businesses, that contribute towards the creation of jobs, where they are in sustainable locations. Policy EC4 also recognises that the existing commercial site is part of a wider, key employment site (Brookfield Industrial Estate).
- 7.2 Policy S1 of the Adopted Local Plan (2017) sets out the principles for achieving sustainable development. The Policy states that developments should seek to make a positive contribution towards the achievement of sustainable development by improving the

economic, environmental and social conditions of the area, wherever possible. It advises that this will be achieved by meeting most development needs within or adjacent to existing communities having regard to the defined Settlement hierarchy as defined in Policy S2. In this regard, the nearby village of Tansley is designated as a Third Tier Settlement which, with other such settlements, provide the best opportunities outside of Matlock, Wirksworth, Ashbourne and Darley Dale for greater self-containment.

- 7.3 The application site relates largely to a field which abuts the settlement boundary of Tansley, albeit forming a green wedge between the village and the Brookfield Industrial Estate. Whilst the site is within the open countryside, it is nevertheless within reasonable distance of Matlock and Tansley in that persons working at the site could access it by public transport and by walking or cycling. In this regard, it is considered that the site, which is essentially a landlocked field between the residential and commercial areas, is sustainably located.
- 7.4 This is also reflected upon with Policy S4 which advises that planning permission will be granted in the open countryside where it represents the sustainable growth of rural based enterprises in sustainable locations, having regard to the impact that such development may have on the character and appearance of the rural area. In this respect, Policies PD1, PD2, PD5, PD6 and PD9 need consideration with regard to the impact that the development may have on the character and appearance of the area and the landscape, the setting of heritage assets and impacts on amenity.
- 7.5 Other policy considerations are the impact of the development on wildlife and the aim of securing biodiversity enhancement (Policy PD3), highway matters (Policies HC19 and HC21), that the development seeks to mitigate its carbon footprint with respect to addressing the impact of climate change (Policy PD7) and the potential impact of development on drainage and flooding (Policy PD8). These matters are assessed below.

Impact on the Character and Appearance of the Area and Heritage Assets

- 7.6 The application site is outside the Lumsdale Conservation Area but its boundary follows the southern and northern sides of the site. To the north-east is Speedwell Mill (a non-designated heritage asset) and to the west is Scholes Mill (a grade II listed, former mill and managers house). The application site currently has a series of modern (later 20th century) industrial type buildings and sheds set well back off the Old Coach Road and partially screened by trees to the south and north. To the east/south-east of the industrial buildings is a plot of rising land bounded by trees and hedging.
- 7.7 The proposed development is the alteration of the 'stores building' and an extension to the adjacent workshop building. In terms of the potential impacts of the proposed development works on the adjacent Conservation Area, and other heritage assets, it is considered that the proposed alterations to the existing buildings are acceptable. The rebuilding of the store building in the manner proposed would be an improvement on the existing building and also allow for expansion of the business operation. The materials, being stone and timber facings, will elevate the appearance of the building and it will sit comfortably in its context to larger buildings at Speedwell Mill and Scholes Mill which are in its proximity. The proposed extension to the workshop building will provide a rectangular building and reflect upon its current appearance. In this respect, the building development is considered to improve the overall character and appearance of the site and does not harm the setting of the Lumsdale Conservation Area, Scholes Mill (Grade II listed) and Speedwell Mill.
- 7.8 The proposals also include the redevelopment of an existing agricultural grazing field into an agricultural vehicles, plant and equipment storage yard. It is proposed to re-model the land in the field to the east by creating two levelled areas (cut & fill), tiered down the slope, separated by a new intermediary band of trees/planting. Two ramps are proposed to allow

vehicular access to the land. The levelled areas of the site are proposed to be covered in compacted/rolled stone gravel.

- 7.9 This clearly is a significant change, with potential to result in significant visual impact. However, given the adjacent light industrial complex, it is considered that the development would be read as part of this in the landscape. The proposals have been amended to engineer the field into the two terraces in order that the equipment which is proposed to be stored sits into the sloping site rather than atop it as originally proposed.
- 7.10 Whilst there will be some changes to the form and finish of the land to the rear of the buildings, it will remain open land (i.e. free of buildings) but serve the purpose of the storage of machinery/equipment associated with the business use of the site. It is considered that this will retain an open land buffer between the industrial sites of this part of Lumsdale/Tansley and the existing and proposed built development to the east. In this regard, it is considered that the proposed development works will not have an adverse impact on the adjacent Conservation Area or heritage assets within the vicinity.
- 7.11 Concern has been raised that the development would impact on the outlook from Speedwell Mill. The development is set contextually to the existing employment site and there is a degree of screening with trees between Speedwell Mill and the application site. In addition, planting is proposed within and around the site to screen the development, a benefit of which would be to soften any views of the housing development also proposed to the east of the site.
- 7.12 To this end, this is not a stand-alone development in the open, undeveloped landscape and it is considered that any harm would not be of such significance to justify a recommendation of refusal of the grounds of impact on the setting of the Lumsdale Conservation Area, heritage assets or harm to the landscape that would otherwise outweigh the benefits of allowing the expansion of an existing business operation forming part of the wider industrial estate.

Impact on Trees and Hedgerow

- 7.13 The District Council's Arboriculture and Landscape Officer has assessed the application and advises that the trees that would be required to be removed to facilitate the proposed development are of no particular value in the landscape and their loss would not be significant. The submitted arboriculture report includes a number of recommendations, regarding protection of retained trees and planting of trees, which if followed, will effectively limit potential harm to retained trees. To this end, it is considered that this should be subject of a condition to any grant of planning consent.
- 7.14 However, it was recommended that additional information, in the form of a scale plan with measurements indicated on it, be required to be submitted for approval predetermination of the application, which details the distance that the temporary tree protection fencing should be located from the retained trees and hedgerows and which should enclose the root protection areas of the retained trees (calculated according to the guidelines provided by BS 5837:2012). This information has been provided and it has been advised that there is no objection to the proposal based on the additional information.

Impact on Residential Amenity

- 7.15 The proposals have been revised to seek to re-engineer and landscape the site, to nestle any plant and equipment into the slope of the land and to introduce further landscaping to screen the development to alleviate visual impact. It is appreciated that there will be activity on the site, with plant and equipment being brought on and off the site and some activity with customers visiting the site. However, it is considered that such activity will be relatively

modest given the nature of the business being in agricultural sales and it is considered reasonable to attach a condition that the usage of the land be limited to such, as more intensive storage uses could cause a greater impact.

- 7.16 Whilst the main part of the site operates 08.00 until 19.00 on Monday to Saturday, with no working on Sunday or Bank Holidays, it is nevertheless considered reasonable to restrict any comings and goings of vehicles, plant and equipment in the area to the rear to not commencing before 09.00 and taking place beyond 17.00 on Monday to Saturday, and not at all on Sundays or Bank Holidays, to manage any disturbance that may be caused to the rear of the existing and proposed dwellings.

Highway Matters

- 7.17 Concern is raised that an existing access to the field, to the north east of the site would be used to bring vehicles, plant and equipment onto and off the site. These concerns have been advised to the applicant and amended plans submitted detailing the sole means of access to the storage site being to the west of the reception building. In addition, the access to the north is proposed to have additional landscape introduced by way of screening the site and to assist in offsetting biodiversity loss with the removal of landscaping to facilitate the extension to the workshop building.
- 7.18 Currently, deliveries to the site are via Brookfield Industrial Estate, rather than from Tansley village where road signage advises of the Old Coach Road restrictions. Whilst some customers may decide to access the site along Old Coach Road, this would be unlikely to be regular traffic given the restrictions advised on Old Coach Road and that the principal route to access the site is off the A615 The Local Highway Authority has raised no objection to the proposals.

Nature Conservation and Biodiversity Enhancement

- 7.19 The proposals involve the removal of some trees and hedgerow to facilitate the access to the field and to allow for the extension of the workshop building. There would also be a loss to the use of the field. To offset this, the applicant has proposed tree planting around the south eastern and north eastern areas of the site and some provision within the site between the levels of hardstanding. Derbyshire Wildlife Trust have commented on an update site visit which has been undertaken along with the submission of a Biodiversity Net Gain (BNG) report (Ecology Resources, 2023). The update visit identified the existing grassland on site to be 'other neutral grassland' as per the UKHabs definition. Without securing on-site and off-site enhancements, the proposed development will result in the loss of -0.21ha (-1.22 habitat units) of other neutral grassland, along with a 30 m line of trees (-0.13 habitat units).
- 7.20 It is not possible to achieve a net gain on site and still deliver the required development and, therefore, a combination of onsite planting and offsite habitat enhancement has been proposed. The offsite works comprise the enhancement of 0.2 ha of 'modified grassland' to 'other neutral grassland' within a separate field owned by the applicant. The combination of proposed tree and hedgerow planting, as along with offsite grassland enhancement, will achieve net gain of around +1.00 habitat unit (+47.03%) and +0.42 hedgerow units (+29.13%); DWT consider these proposals to be acceptable if correctly implemented in full. The report states that this combination approach satisfies the trading rules, but advise that a copy of the metric is submitted to the Local Planning Authority.
- 7.21 Management of on-site and off-site habitats can be secured through a condition for a Landscape and Biodiversity Enhancement Plan (LBEMP), which should include management prescriptions and funding mechanisms for at least 30 years post-development, in accordance with the Environment Act 2021. The offsite location for further biodiversity provision will also need to be secured via a planning obligation under section 106.

Flooding and Drainage

- 7.22 The Lead Local Flood Authority and the Environment Agency have been consulted on the proposals and have raised no objection to the proposals. The proposed hard surfacing would be permeable and there would therefore be sufficient space within the site to dispose of surface water through infiltration across the site.

Climate Change

- 7.23 The development introduces new built form, which has a carbon footprint, and the introduction of hardstanding on a field which reduces the grassed area. Whilst tree planting is proposed which would offset some of the impact on climate change, it is considered that the use of solar panels, or other means of renewable energy generation, could be incorporated into the proposals and that it is considered reasonable to attach a condition to any grant of planning permission to request details of how the carbon footprint of the development could be mitigated against.

Conclusion

- 7.24 The redevelopment and extension of the buildings on the site is considered acceptable in allowing for improvements to this established business operation which provides plant and equipment to the rural area. It is appreciated that there is some impact with development extending into greenfield land. However, the field is considered to have limited use given that it is bound by Bentley Brook to the south, residential development to the south and east, and commercial development and Old Coach Road to the north. In allowing for such development, this allows the business to expand beyond its currently restricted site, evident with plant and equipment being stored at Scholes Mill which is also in the applicant's ownership. The original submission has been amended to seek to nestle the development into the landscape and to provide additional planting by way of screening the site, and the existing site, and to meet with the aims of biodiversity enhancement.
- 7.25 Whilst there is the potential for some harm to the amenity of existing local residents, and future residents of the housing development site approved to the south of the site, it is considered that these can be offset to some extent with the additional planting and through control over the hours of operation associated with the land. The equipment is also proposed to be set on platforms below the upper ground levels to seek to mitigate its visual impact. A condition can also be attached that there shall be no lighting of the proposed storage site.
- 7.26 Given the above, it is not considered, with the proposals as amended, that the development will have a significant harm on the heritage assets of Scholes Mill and Speedwell Mill and the setting of the Lumsdale Conservation Area and that any such impacts are considered to be offset by the benefits of improving the existing site and providing for employment retention/improvement at the site. As such, it is recommended that planning permission be granted subject to the completion of a Section 106 Agreement to provide for off-site biodiversity enhancement, with conditions on materials, landscaping, hours of operation, the nature of the use of the proposed storage area to the south and measures to mitigate against the carbon footprint of the development.

8. RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement to secure off site biodiversity enhancement, that planning permission be granted subject to the following conditions:

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

Reason:

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

2. The development hereby approved shall not be carried out other than in accordance with the following approved plans except insofar as otherwise required by other conditions to which this permission is subject:

Drawing Nos. (08) 01, 02, 04, 05, 06, 07, 08, 09 and 10 received 13.02.2023
Amended Drawing No. (08) 03 A Rev. D received 21.07.2023

Reason:

To define the permission for the avoidance of doubt and to ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before the store building is first faced, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a sample of the stone;
- a sample of the proposed cladding, to include its colour and finish;
- details and/or a sample of the roofing material;
- details of the rooflights, which shall be a flush fitting type; and
- details of rainwater goods and pipework.

The development shall thereafter be undertaken with the approved samples/details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Before the store building is first faced, sample panels of the facing materials, to measure 2m x 2m, shall be provided on site for inspection and approval in writing by the Local Planning Authority. The store building shall thereafter be faced in accordance with the approved plans and sample panels.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to installation, detailed plans of all windows and doors, at a scale of 1:10, and details of their finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

6. No means of enclosure or other walling shall be erected until the design, location and materials to be used on all boundary walls/fences/screen walls/retaining walls, etc. have been submitted to and approved in writing by the Local Planning Authority and, sample panels of 2m x 2m of the walls shall be provided on the site for inspection. The boundary treatments so approved shall then be completed prior to the storage area being first brought into use and shall thereafter be retained in perpetuity.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

7. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior the storage area being first brought into use, the details of which shall include:
 - a) details of any vegetation to be retained;
 - b) soil preparation, cultivation and improvement;
 - c) all tree and plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - d) grass seed mixes and sowing rates;
 - e) finished site levels and contours; and
 - f) hard surfacing materials.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

8. All soft landscaping comprised in the approved details of landscaping (condition 7) 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.

Reason:

To safeguard the character and appearance of the development to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

9. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones.

Unless approved in writing in advance by the Local Planning Authority, this fencing will remain in place and intact until all development works at the site have been

completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site and:

1. no ground level change,
2. excavation,
3. underground services installations/removals,
4. surfacing, or
5. construction

shall take place within the fenced areas. Furthermore, unless agreed in writing in advance by the Local Planning Authority, there shall be:

1. no access to the fenced areas for pedestrians/plant/vehicles;
2. no waste/equipment/materials/consumables/spoil storage in the fenced areas;
3. no fires in the fenced areas or within 10m of them; and
4. no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to.

In certain circumstances, temporary ground protection may be authorised in writing in advance by the Local Planning Authority instead of tree protection fencing. Where this is the case the same requirements as for fencing of Root Protection Areas as detailed above will apply unless authorised by the Local Planning Authority.

Reason:

To protect retained trees during the development phase in the interests of safety, stability and health of the trees and to ensure continuity of their contribution to visual amenity, wildlife and biodiversity benefits, human health and social benefits, climate change minimisation in accordance with to comply with Policies S1, S4, PD1, PD2, PD5, PD6 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Prior to any excavations taking place on the site, or building demolished, space shall be provided on site for the storage of plant and materials/site accommodation/loading and unloading of goods vehicles/parking and manoeuvring of site operatives and visitors' vehicles in accordance with details to be agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

11. The development hereby approved shall be carried out in accordance with the recommendations of the Biodiversity Net Gain (BNG) report (Ecology Resources, 2023) and in accordance with management prescriptions and funding mechanisms, for at least 30 years post-development, in accordance with the Environment Act 2021 which shall be submitted to and agreed in writing by the Local planning Authority prior to the approved storage area being first brought into use.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. Notwithstanding the details contained in the submitted documents comings and goings of vehicles, plant and equipment in the approved area to the rear of the buildings shall not commencing before 09.00 and take place beyond 17.00 on Monday to Saturday, and shall not take place at all on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of nearby residential property to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the Town and Country Planning (Use Classes) Order (1987) (as amended), the storage area hereby approved (vehicle yard) shall not be used other than for the purpose of storing vehicles, plant and equipment relating to purposes associated with agricultural operations unless otherwise agreed in writing by the Local Planning Authority further to an application to be made to it.

Reason:

To safeguard the amenities of nearby residential property to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

14. No external lighting shall be erected in, or directed into, the storage area hereby approved other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of nearby residential property to comply with Policies S1, S4, PD1, PD2, PD5 and EC1 of the Adopted Derbyshire Dales Local Plan (2017).

15. Prior to the store building being replaced, measures to mitigate against the carbon footprint of the development shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided prior to the building being brought into use.

To mitigate against the carbon footprint of the building to comply with Policies S1, and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

16. Should vegetation removal or building demolition works take place within the bird breeding season (March to September), then these works shall not commence until a check for nesting birds has been carried out by a suitably qualified ecologist and the findings submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard protected species to comply with Policies S1 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority, prior to the submission of the application and during its consideration, has engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme, and subsequent amendments, that overcame concerns relating to the character and appearance of the development, residents' amenity and biodiversity enhancement.
2. The Public Rights of Way Section (Derbyshire County Council) advise the following:

- the footpath must remain open, unobstructed and on its legal alignment;
 - there should be no disturbance to the path surface without prior authorisation from the Rights of Way Section;
 - consideration should be given to the safety of members of the public using the path both during the works and after;
 - a temporary closure of paths will be permitted, on application to DCC, where the path(s) remain unaffected on completion of the development; and
 - there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
3. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. 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 £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
4. This decision notice relates to the following documents:

Drawing Nos. (08) 01, 02, 04, 05, 06, 07, 08, 09 and 10 received on 13th February 2023

Amended Drawing Nos. (08) 03 A Rev. D received on 21st July 2023

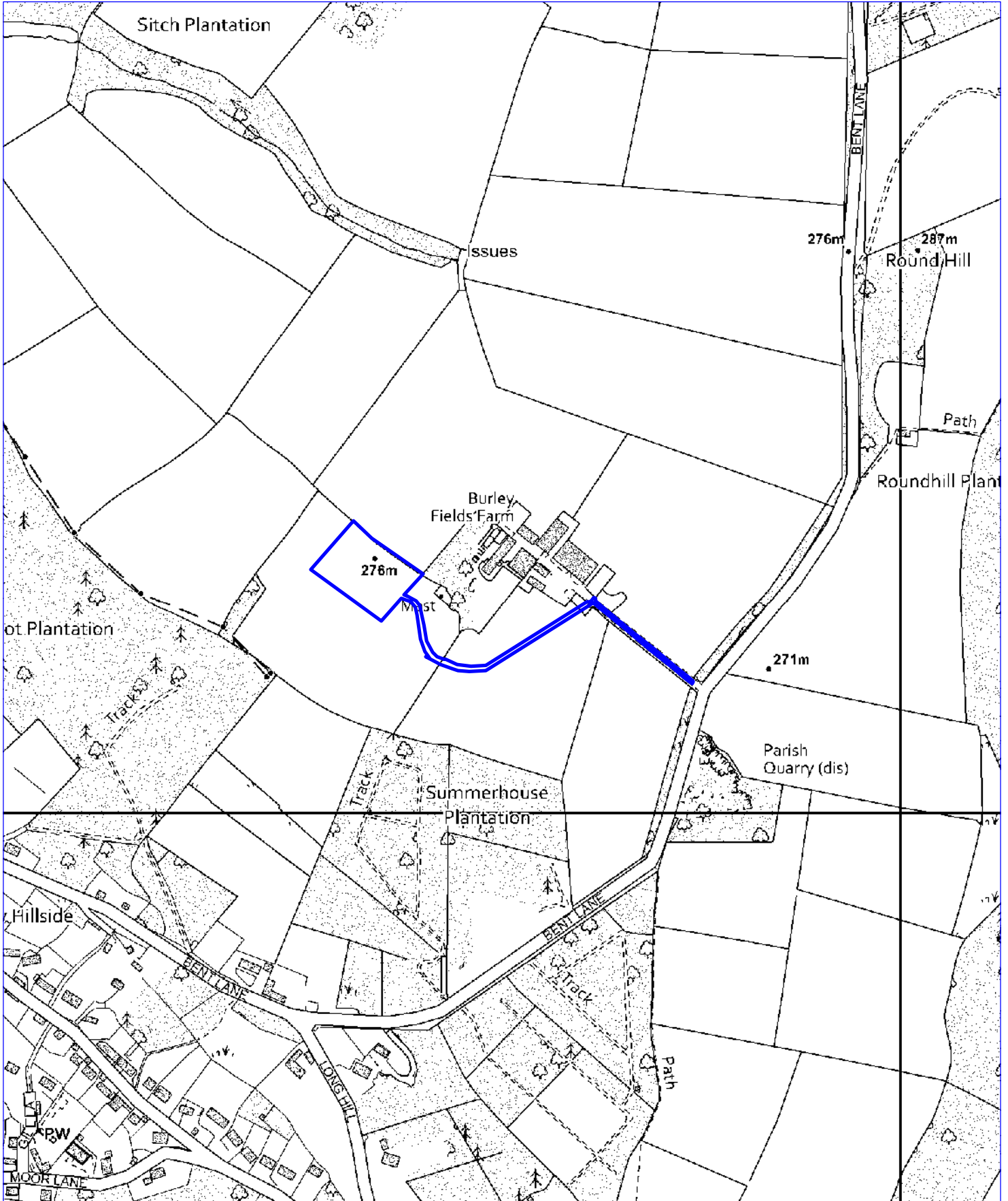
Design and Access Statement received on 13th February 2023

Flood Risk Assessment received on 21st July 2023

Tree Survey and Arboricultural Impact Assessment (Tech Arbor) received on 13th February 2023

Preliminary Ecological Appraisal (Ecology Resources) received on 13th February 2023

Biodiversity Net Gain Assessment (Ecology Resources) received on 26th July 2023.



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APPLICATION NUMBER		23/00459/FUL	
SITE ADDRESS:		Burley Fields Farm, Bent Lane, Darley Dale, DE4 2HN	
DESCRIPTION OF DEVELOPMENT		Change of use of land and erection of 3 no. glamping domes, erection of service hut, bike store and construction of associated access track, car park, refuse/recycling facilities, associated landscaping, footpaths, fencing and ground-mounted solar panels	
CASE OFFICER	Adam Maxwell	APPLICANT	Ms Georgina Mosley
PARISH/TOWN	Darley Dale	AGENT	Glampitect Ltd
WARD MEMBER(S)	Cllr David Burton Cllr Marilyn Franks Cllr Rodger Shelley	DETERMINATION TARGET	15.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward member	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site in context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether the development is acceptable in principle • Visual and landscape impact of the development • Impact upon amenity • Impact upon highway safety

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 Burley Fields Farm is located in open countryside to the north of Darley Dale. The application site is part of two fields located to the south of the farmstead / existing tree belt.
- 1.2 The farm is located within a depression within the landscape south of Black Hill roughly outlined by mature trees and hedges along road and field boundaries, Sitch Plantation to the west and Newtonlot / Summerhouse Plantation to the south. The fields around the farmstead are open improved grassland and bounded by drystone walls.
- 1.3 The site is accessed from Burley Lane with the nearest neighbouring properties some 300m to the south.



2.0 DETAILS OF THE APPLICATION

- 2.1 The change of use of land and erection of 3 no. glamping domes, service hut, and ground mounted solar photovoltaic (PV) array. Along with the construction of access track, car park, refuse / recycling facilities, electric vehicle charge points and associated landscaping.
- 2.2 Each glamping dome would be 4m high with a diameter of 7m. The dome would be glazed with a PVC cover. Each dome would consist of a living space including double bed, kitchen and living area with an enclosed W.C. / shower room. Each dome would be on a raised decking area measuring 9m by 8m. Foul drainage would be to a package treatment plant to the south of the site.

- 2.3 A new access drive would branch westwards off the existing access to Burley Lane before turning north to meet the proposed glamping site area. Four parking spaces are proposed along with turning space and cycle parking. Cut grass pathways would link the car park to the glamping domes and communal amenity area.
- 2.4 The service hut would be timber and measure 3.77m wide, 2.79, deep and 2.49m high. The proposed solar array would be sited in the north-western corner of the site.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 S1 Sustainable Development Principles
 S4 Development in the Countryside
 PD1 Design and Place Making
 PD3 Biodiversity and the Natural Environment
 PD5 Landscape Character
 PD7 Climate Change
 PD9 Pollution Control and Unstable Land
 HC19 Accessibility and Transport
 HC20 Managing Travel Demand
 HC21 Car Parking Standards
 EC1 New and Existing Employment Development
 EC8 Promoting Peak District Tourism and Culture
 EC9 Holiday Chalets, Caravan and Campsite Developments
- 3.2 Darley Dale Parish Neighbourhood Plan (2019)
 NP 1 Protecting the Landscape Character of Darley Dale
- 3.3 National Planning Policy Framework (2021)
 National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

15/00437/AGR	Agricultural livestock building	ANPR	28/07/2015
16/00198/FUL	Erection of replacement hay barn	PERC	09/05/2016
18/00275/AGR	Agricultural Prior Notification - Proposed Machinery Store	ANPR	28/03/2018
21/00244/AGR	Agricultural Prior Notification - Proposed agricultural building to store fodder and implements	ANPR	18/03/2021
22/00643/FUL	Change of use of land and erection of 4 no. glamping domes, erection of service hut and ground mounted solar photovoltaic panels. Construction of associated access track, car park, refuse/recycling facilities and associated landscaping, footpaths and fencing.	REF	05.09.2022

0792/0561	TELEVISION RELAY STATION - ERECTION OF 30M. TOWER WITH AERIALS AND EQUIPMENT CUBICLE	A	06/08/1992
00/11/0740	Prior notification of proposal to erect three directional antennas and two dish antennas onto an existing mast and erect an equipment cabin	NO	18/12/2000

5.0 CONSULTATION RESPONSES

5.1 Darley Dale Town Council

The applicant addressed the planning committee regarding the objections submitted by the committee to above application. The applicant admitted that important information had been omitted from the original application which she would forward on to District Planning officers. The applicant and councillors discussed in detail the construction of the access road, foul water management, solar generation for EV charging points and disabled access to all glamping pods.

Councillors agreed that all of the objections previously raised by the committee had been addressed in full, with new information being supplied. Cllr Farmer noted that he was impressed with the proposal to install a sewage treatment plant in order to address management of the foul water.

Cllrs resolved to resubmit a recommendation of no objection.

5.2 Environment Agency

No comment.

5.3 Derbyshire Wildlife Trust

No objections subject to planning conditions to mitigate impacts during construction and to secure a landscape and environment management plan.

5.4 Highway Authority

No objection.

5.5 Lead Local Flood Authority

No response received to date.

5.6 Natural England

No objection.

5.7 DDDC Trees and Landscape Officer

In my opinion, the topography of the site and its surrounding landscape, the presence of trees alongside the only nearby public road and generally in the local landscape results in very restricted views of the proposed development from public vantage points and when viewed from the wider landscape.

Furthermore, the relatively small size and proposed recessive finishes of the proposed pods would help to minimise their visual impact in the local landscape.

Existing stone walls are indicated for retention.

I suggest that the proposed solar panels should have a matt finish to their upper surfaces. This will prevent potential reflections which might otherwise make them prominent in long views.

The proposals indicate that there are no trees within the site and that all existing trees and hedgerows close to the site would be retained and no pruning would be required. Mature trees do not appear to be at risk of damage from the proposed development.

Council records indicate that this particular site does not include trees currently subject Tree Preservation Orders (TPO) and the site is not within a Conservation Area. There is no designated ancient woodland and no veteran trees recorded for the site, or close enough to it to potentially be affected by the proposals.

6.0 REPRESENTATIONS RECEIVED

6.1 Three letters of representation have been received to date objecting to the proposed development. The material planning reasons are summarised below:

- The development will not harm the surrounding rural area.
- The site is ideal for a holiday in an area of natural beauty.
- The development would result in economic benefits for the local area.
- Local services would be within easy reach of the site.
- The land is owned and farmed by a local family. Farmers need to be able to diversify to make their businesses viable.

One non-attributable representation letter has been received in support of the application. The letter considers that the application as being very reasonable and that farms are allowed to diversify in these difficult economic times.

7.0 OFFICER APPRAISAL

Principle

7.1 The site is located within the open countryside, therefore Local Plan Policy S4 is relevant. This states that planning permission will be granted for development where it represents sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 provides support for proposals for new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.

7.2 Policy EC8 deals specifically with promoting Peak District tourism and culture and supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.

7.3 Policy EC9 relates specifically to proposals for holiday chalets and caravan and campsite developments. Development will be permitted provided that:

- a) the development would not have a prominent and adverse impact on the character and appearance of the immediate and wider landscape;

- b) any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;
- c) any on-site facilities are of a scale appropriate to the location and to the site itself;
- d) the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;
- e) the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.

7.4 This application is a re-submission following the refusal of application 22/00643/FUL last year. Planning permission was refused for the following reasons:

1. *The site is located in a remote location in open countryside not served by public transport. Therefore visitors to the site would be likely to be wholly reliant on the private car to access the site. The proposal therefore would not be a sustainable form of rural tourism and contrary to policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).*
2. *The proposed glamping domes by virtue of their design, form and materials would appear as intrusive and incongruous structures which harm valued landscape character and the setting of the Peak District National Park. The impact of the glamping domes would be exacerbated at night when the domes would be illuminated and result in light pollution in an exposed and prominent position in the wider landscape. The proposed track, fencing and landscaping would further detract from this drystone walled pastoral landscape. The development is therefore contrary to policies S1, S4, PD1, PD5, PD9 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and policy NP 1 of the Darley Dale Neighbourhood Plan (2019).*

7.5 This application is on a similar site and proposes the same type of glamping domes and similar associated development. The number of domes has been reduced from 4 to 3. The application also proposes to provide electric vehicle charge points for the parking spaces.

7.6 The proposed landscaping includes significantly more planting including wildflower meadow and 'native shrubbery'. The application also states within the design and access statement that the applicant would operate a shuttle bus for occupants between the site, Darley Dale, Bakewell and Matlock.

7.7 The site is located in open countryside north of Darley Dale which is the nearest settlement. The site is not within Darley Dale but is in relatively close proximity being 1km to the northwest of the centre of Darley Dale (measured in a straight line). However, the site is in an elevated location relative to Darley Dale and therefore access on the ground is longer and around a 25 minute walk up steep topography.

7.8 Access to the site from Darley Dale is from Wheatley Road / Hallmoor Road / Long Hill and Bent Lane which are rural, largely single-track roads with no pedestrian footpaths. The site therefore does not have a good connection to the main highway network or the public rights of way network / cycleways. A public footpath connects Bent Lane to the south of the site to Hall Moor Road and this would provide a more attractive walk for some but may be less suitable for people with mobility issues.

7.9 The site is not served by public transport and even taking into account the footpath link to Hall Moor Road is not within a safe, attractive walk of regular public transport services. Therefore, the site is not located in a sustainable location contrary to policy S1, S4 and EC9 (d).

- 7.10 The application includes the provision of electric vehicle charge points and the application states that the applicant would run a shuttle service for occupants to nearby towns. These mitigations are noted. The provision of electric vehicle chargers and a shuttle service are welcomed in principle; however, this would not overcome the fundamental concern that visitors to the site would be reliant upon the private car (irrespective of energy source and whether operated by the occupants or the applicant). These mitigations would not individually or in combination deliver sustainable tourism development sought by policy EC9.
- 7.11 The creation of new build holiday accommodation in this otherwise remote and isolated location in the countryside, where visitors would be likely to be dependent upon the private car would constitute an unsustainable form of development which does not promote sustainable rural tourism.

Impact of the development

- 7.12 Policy S4 seeks to ensure that new development protects and where possible, enhances the intrinsic character and distinctiveness of the landscape, including the character, appearance and integrity of the historic and cultural environment.
- 7.13 Policy PD1 requires development to be of high-quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.14 Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape and requires developments to be informed by and sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments. Development must conserve the setting of the Peak District National Park.
- 7.15 Neighbourhood Plan Policy NP 1 supports development where the proposal and demonstrate: a high design quality that protects and contributes to the distinctive landscape character of the Parish; and a scale that reflects that of the settlement to which it adjoins and the rural nature of the Parish; and that a sense of openness has been maintained between the settlements; and the green corridor and sense of openness has been maintained along the Derwent Valley; and that the location is on the least visually sensitive parts of the valley or on plateaus but not on the steeper slopes where development would be prominent from the Peak District National Park.
- 7.16 For the purposes of the adopted Landscape Character of Derbyshire assessment the application site is located within the Dark Peak and the Settled Valley Pastures landscape character type. This landscape is characterised by moderate to steep lower valley slopes, pastoral farming with extensive improved pasture with a wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and groups around settlements and farmsteads with small irregular fields and winding lanes. The landscape in and around the application site reflects this character.
- 7.17 The application site forms part of the pastoral fields around the farmstead. These fields form a plateau in the valley side allowing open views from the local area. Mature trees along field boundaries and plantations provide a visual screen around the fields along with Black Hill to the north. Views into and out of the site to / from the wider landscape are limited to gaps between the topography. From the site of the proposed glamping domes there are views between and over the topography to the southwest towards Winster and the Chatsworth Estate to the north (both within the Peak District National Park).

- 7.18 The proposed glamping site would be sited away from the farmstead to the southwest of the existing shelter belt. The location of the site would mean that the proposed glamping domes, parked cars and associated development would be largely screened from local highways and public footpaths by the existing farm buildings, shelter belt and existing tree planting along boundaries. Glamping domes D3 and to a lesser extent D2 would be visible from the north from Back Lane.
- 7.19 As stated above there are wide ranging views from the proposed site to the southwest over Winster and to the north over the Chatsworth Estate. It therefore follows that the application site would be visible from within the National Park and therefore that the development has the potential to affect its setting.
- 7.20 The development would be generally screened from local vantage points and only visible at some distance from viewpoints within the National Park. Nevertheless, the fields around the site have an open pastoral character which makes a positive contribution to landscape character and within which by virtue of their size, form and materials the proposed glamping domes where visible would stand out as intrusive and incongruous additions.
- 7.21 Furthermore, the nature of the glazed domes means that any internal illumination would be obvious from the local area and in the wider landscape. The proposed design approach would be likely to result in light pollution in an area characterised by dark skies which would further draw attention to the development and compound visual impact. The proposed site would be bounded by new timber fencing and significant planting carried out within the field which would not reflect the existing character and field pattern formed by drystone walling and the proposed track would have a visual impact cutting across the open fields.
- 7.22 The development would not conserve landscape character or the setting of the Peak District National Park. The proposed location, materials and scale of the development would not complement landscape character and would be likely to cause light pollution contrary to policies S1, S4, PD5, PD9 and EC9 (a, b and e) and Neighbourhood Plan policy NP 1.
- 7.23 The application does propose landscaping with indigenous shrubbery shown on the submitted plans. This is an open pastoral landscape as identified above and therefore additional shrub planting within the field would not reinforce or enhance valued landscape character. Nevertheless, it is recognised that additional planting can in some circumstances mitigate the impact of development. However, in this case the visual and landscape impact of the proposed glamping domes could not be mitigated by additional planting.

Highway safety and amenity

- 7.24 The site would utilise the existing access which has satisfactory visibility onto Bent Lane. Sufficient parking would be provided on site in accordance with adopted local standards and this could be secured by planning conditions. Therefore, subject to conditions recommended by the Highway Authority the development would not harm highway safety.
- 7.25 Notwithstanding concerns about the sustainability of the site, the development would provide a limited number of glamping domes and would attract up to three groups of visitors at any time. Visitors would be likely to arrive and leave the site by car to visit local shops and the local area. The local road network is rural narrow lanes and therefore sensitive to increases in vehicular traffic. Nevertheless, given the relatively small scale of the development additional vehicle movement would be limited and therefore unlikely to result in any significant adverse impact upon the road network or the amenity of road users.

7.26 Given the distance from the site to the farmstead and neighbouring properties there are no concerns that the development would harm the amenity, privacy or security of any neighbouring property.

Other issues

7.27 The fields are improved grassland and therefore of limited biodiversity value. Nevertheless, the site is close to existing tree belts and therefore activity and lighting at the site could impact upon protected species. An ecological report has not been submitted but was provided with the previous application. The previous report is relevant as it is dated June 2022 and because the development is similar and affects the same site Derbyshire Wildlife Trust (DWT) have been consulted and raise no objections, subject to planning conditions.

7.28 The report concludes that there would be no significant impacts upon protected species and there is no objection in terms of impacts upon biodiversity and protected species subject to conditions to control lighting and to secure an appropriate scheme to secure biodiversity net gain. DWT also recommend a planning condition to mitigate any potential impacts upon mammals during construction.

7.29 These conditions are considered to be reasonable and necessary for the development to meet the requirements of policy PD3 and therefore if permission were granted planning conditions would be recommended. Therefore, subject to conditions it is concluded that the development would not harm any designated nature conservation sites, protected species and would deliver enhancement to biodiversity on site.

7.30 Given the distance of the site to any designated or non-designated heritage assets there are no concerns that the development would harm cultural heritage.

7.31 Surface water would be to soakaways around the structures / hard surfaces which is acceptable. The development is within Flood Zone 1 and therefore at the lowest risk of flooding. The development would not increase the flood risk to neighbouring properties. Foul drainage would be to a package treatment plant on site. Given the distance to the main sewer it would not be practicable or viable to connect and therefore a package treatment plant is acceptable in principle. If permission were granted a planning condition would be recommended to ensure that the treatment plant is installed and operational before the first use of the development.

7.32 The application is supported by information which states that there is a market demand for the proposed tourist development. The development would provide tourist facilities which would likely contribute to the local economy and provide a full-time job on the site. While these benefits are welcomed in principle this does not overcome or outweigh more fundamental concerns about the unsustainable location and impacts outlined above.

7.33 Policy PD7 states that the Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The development includes the provision of a ground mounted solar array which is welcomed in principle. If permission were granted a planning condition could be imposed to require this aspect of the development to be implemented along with the electric vehicle charge points. However, this does not overcome more fundamental concerns about the unsustainable location and impacts outlined above.

Conclusion

- 7.34 The development of new build holiday units, in this otherwise remote and unsustainable location within the countryside, would promote an unsustainable form of rural tourism where users of the facility would be heavily reliant on the private motor vehicle for access.
- 7.35 The proposed glamping domes would be screened to an extent by the existing farmstead, tree belt and boundary trees but would be visible from Burley Lane to the north and in the wider landscape from land within the Peak District National Park where the form of the domes would stand out as intrusive and incongruous additions, particularly at night where light pollution from the glazed domes would have an additional impact.
- 7.36 Subject to planning conditions the development would not harm biodiversity, highway safety or the amenity of neighbouring properties. However, these issues do not weigh heavily either for or against the proposed development. The development would result in benefits to the local economy, but these would not override or outweigh more fundamental concerns about the unsustainable nature of the site or impact of the development.
- 7.37 Taking the above into consideration the application is not in accordance with the Adopted Derbyshire Dales Local Plan (2017). Relevant policies are up-to-date and in accordance with the National Planning Policy Framework (NPPF). In the absence of any further material considerations indicating otherwise, the application is recommended for refusal.

8.0 RECOMMENDATION

8.1 Refuse for the following reasons:

1. The site is located in a remote location in open countryside not served by public transport. Therefore, visitors to the site would be likely to be wholly reliant on the private car to access the site. The proposal therefore would not be a sustainable form of rural tourism and contrary to policies S1, S4 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
2. The proposed glamping domes by virtue of their design, form and materials would appear as intrusive and incongruous structures which harm valued landscape character and the setting of the Peak District National Park. The impact of the glamping domes would be exacerbated at night when the domes would be illuminated and result in light pollution in an exposed and prominent position in the wider landscape. The proposed track, fencing and landscaping would further detract from this drystone walled pastoral landscape. The development is therefore contrary to policies S1, S4, PD1, PD5, PD9 and EC9 of the Adopted Derbyshire Dales Local Plan (2017) and policy NP 1 of the Darley Dale Neighbourhood Plan (2019).

9.0 NOTES TO APPLICANT:

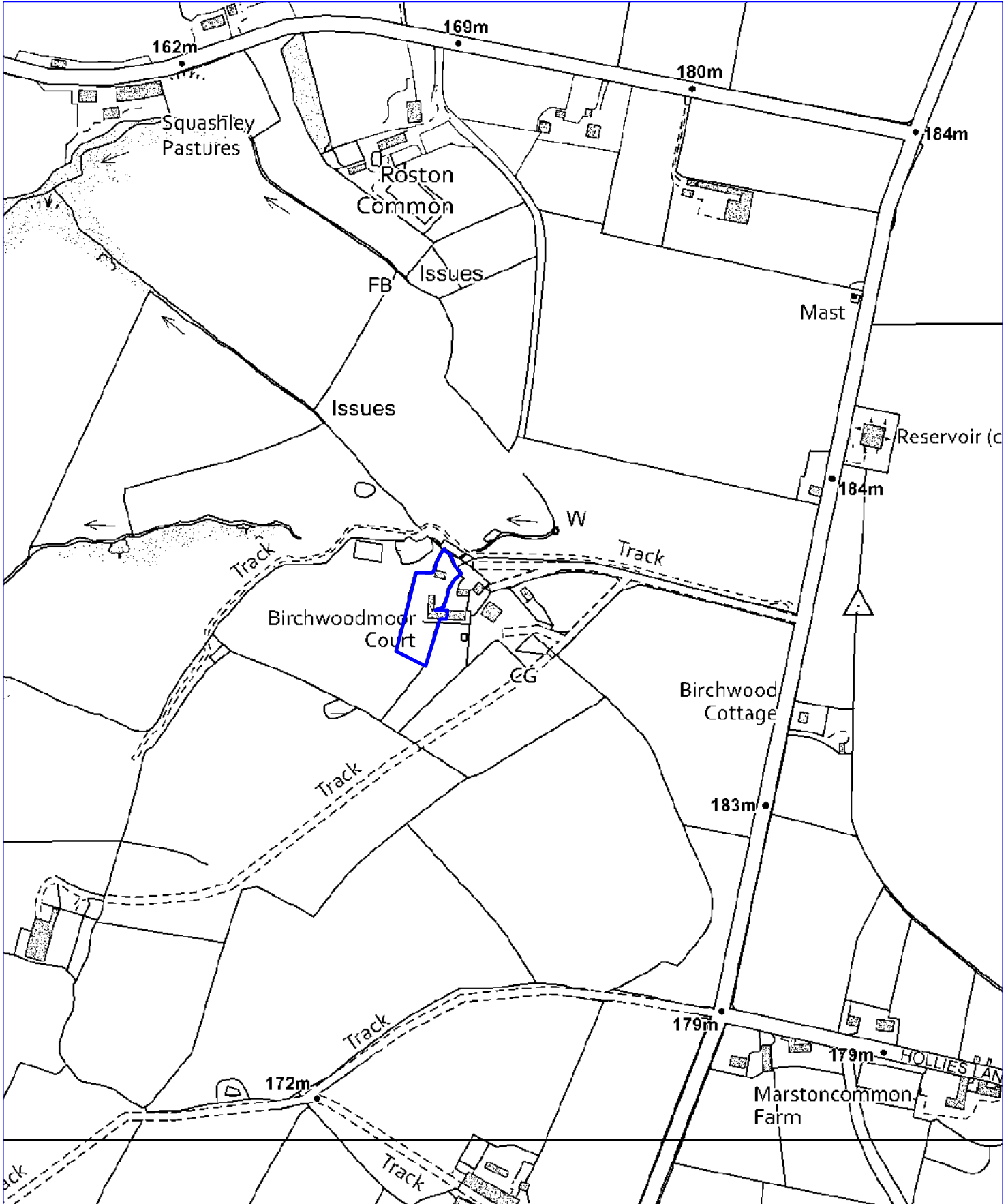
The Local Planning Authority considered the merits of the submitted application and discussed potential amendments and additional information requirements with the agent. The Local Planning Authority accepted the submission of a revised scheme and amended / additional supporting information and determined the application at the earliest possible opportunity.

This Decision Notice relates to the following documents:

Application form
Aerial View - 220224-01-00
Location Plan - 220224-01-01
Proposed Layout Plan - 220224-01-02
Site Photos - 220224-01-03
Proposed Drainage Plan - 220224-01-04

Dome Plan and Elevations - 220224-01-05
Bike Store Plan and Elevations - 220224-01-08
Road and Access Plan – 220224-01-09
Proposed Lighting Plan - 220224-01-10
Artist Impressions - 220224-01-11
Bike Store Plan and Elevations - 220224-01-12
Design & Access Statement
Market Research

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APPLICATION NUMBER		23/00787/FUL	
SITE ADDRESS:		2 Birchwood Moor Court, Roston, Ashbourne, Derbyshire, DE6 2EJ	
DESCRIPTION OF DEVELOPMENT		Alterations to windows and doors (re-submission).	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mrs. Critchlow
PARISH / TOWN	Roston	AGENT	Mr. Malkin
WARD MEMBER(S)	Cllr. Morley	DETERMINATION TARGET	15 th September 2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	Not Applicable

MATERIAL PLANNING ISSUES
The impact of the alterations of the character and appearance of the building.

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 2 Birchwood Moor Court, also known as 'Anromada', is a semi-detached barn conversion dwelling, situated in a rural area to the south-east of Roston. It is set down and back from the main road and has a long, shared drive.



2. DETAILS OF THE APPLICATION

- 2.1 This is a re-submission of a previously refused planning application, for replacement windows, doors and alterations (23/00412/FUL). The only difference between this and the previous application, is that the height of the first-floor window in the gable (west elevation) has been reduced.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):
S4: Development in the Countryside
PD1: Design and Place Making
- 3.2 Other:
National Planning Policy Framework (2021)
National Planning Practice Guidance
Derbyshire Dales District Council Supplementary Planning Document: The Conversion of Farm Buildings January 2019

4. RELEVANT PLANNING HISTORY

23/00412/FUL	Alterations to windows and doors.	Refused
22/01310/FUL	Provisions of ancillary living accommodation.	Approved
1292/0978	Retention of agricultural land in residential curtilage and retention of garage and boundary fence.	Approved
1193/0788	Erection of garden shed and insertion of window in bathroom.	Approved
0789/0628	Conversion of barns to two dwellings.	Approved
0694/0428	Incorporation of agricultural land within residential curtilage.	Approved

5. CONSULTATION RESPONSES

Derbyshire County Council Rights of Way section:
No objection, subject to footnotes.

Footpath organisations:
No objection, provided that the footpath remains unaffected.

Parish Council:

No comments received.

6. REPRESENTATIONS RECEIVED

6.1 Two representations of support have been received.

7. OFFICER APPRAISAL

- 7.1 Having regard to the relevant provisions of the development plan and the consultation comments and representations received, the main issue to assess is the impact of the development on the character and appearance of the existing dwellinghouse. The alterations to the windows and doors of the property would not result in any unacceptable residential amenity impacts given their size and position relative to number 1 Birchwood Moor Court.
- 7.2 Policy S4 of the Adopted Derbyshire Dales Local Plan seeks to ensure that new development protects the landscape's intrinsic character and distinctiveness. It also requires development to be appropriate to its location and not to have an adverse impact on the character and appearance of the rural environment.
- 7.3 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.4 The previous decision in respect of planning application code ref. 23/00412/FUL is a material planning consideration as is the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019 which forms part of the development plan.
- 7.5 The previous reasons for refusal were:
The proposed windows and doors, particularly on the west elevation, will appear out of character and scale with the original building, a former barn, contrary to the requirements of Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019.
- 7.6 Reducing the dimensions of the first-floor window in the west elevation, is not considered to overcome the previous reasons for refusal.
- 7.7 The the Council's Supplementary Planning Document (SPD) on The Conversion of Farm Buildings January 2019, provides design guidance for dealing with Barn Conversions. Page 8 provides guidance on windows and doors:
- 7.8 *A fundamental and important characteristic of farm buildings are the existing type, form, size, shape and detailing of door and window openings and the minimal number of door and window openings (i.e. the ratio of solid to openings) to the elevations. Door and window openings generally only exist to perform a specific function. The form, rhythm and location of existing door and window openings can often identify the original use of a farm building and are, therefore, important distinctive elements and characteristics that should be retained and respected as part of any conversion scheme.*
- 7.9 *Existing window and door openings generally come under significant pressure to be altered*

as part of a proposal(s) to convert a farm building. Such alterations can significantly affect the existing character and appearance of a farm building. Other pressures / considerations include the methods and types of glazing, to both historically glazed and unglazed openings, and the formation of new door and window openings.

- 7.10 *The distinctive character and appearance of the original building should be retained in any conversion scheme / proposal and therefore, sound justification (which does not constitute harm to character and appearance) for the inclusion / insertion of any new door and window openings, would need to be provided.*
- 7.11 *Proposals for the enlargement or reduction in the width / height of any existing window / door opening, will be resisted as being harmful to the building's existing character and appearance.*
- 7.12 *Where original openings within the fabric are to be copied (based on sound justification and no harm to character & appearance), their detailing shall match the existing exactly, in all respects and they must be appropriate to their new location or position.*
- 7.13 *Proposals for the introduction of 'stormproof' type window frames, would be resisted as being inappropriate to historic farm buildings.*
- 7.14 *The type, pattern and form of existing, traditional, window frames to a farm building, are considered important attributes of its character and appearance and should, therefore, be retained.*
- 7.15 *Alternative materials, such as UPVC and powder-coated metal, as a replacement for existing, historic, timber window frames, will not be considered appropriate or acceptable.*
- 7.16 *The District Council considers that window frames should be constructed of timber (being the traditional material for their construction) and that the timber should be given a painted finish, in accordance with historic tradition and precedent.*
- 7.17 The proposed replacement first-floor window on the north elevation, would appear to reinstate a window of a similar size to what would have been there originally, before it was partially bricked up. This is considered to be in accordance with The Conversion of Farm Buildings January 2019 SPD.
- 7.18 The other replacement windows and doors are considered to appear too large and out of character with the original building. It is proposed to replace a single door with bifold / patio doors in the west elevation of the building at ground level. This would not reflect the historic use and function of the building and would be out of character in this respect. The same applies to the patio doors in the south elevation, which results in the enlargement of the width of the opening.
- 7.19 There has been no justification for the windows and doors in terms of their appropriateness to satisfy The Conversion of Farm Buildings January 2019 SPD. In summary, the proposed replacement windows, are considered to appear over-sized and out of character with the buildings existing agricultural character and its surroundings and a recommendation of refusal is put forward on this basis.

8. RECOMMENDATION

- 8.1 Planning Permission be refused for the following reason:

The patio doors in the west and south elevations will appear out of character and scale with the original building, a former barn, contrary to the requirements of Policies S4 and PD1 of

the Adopted Derbyshire Dales Local Plan (2017) and the Council's Supplementary Planning Document: The Conversion of Farm Buildings January 2019.

9. NOTES TO APPLICANT:

- 9.1 This Decision Notice relates to the following documents:
Planning application form and drawings, received by the Council on 21st July 2023.
- 9.2 The applicant entered into pre-application discussions with the Local Planning Authority. Unfortunately, however, the advice provided was not heeded in this case. The application was therefore considered as submitted and it was 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.

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 12 September 2023

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal being processed
22/00590/FUL	Cobscroft, Trough Lane, Hulland Village	HH	Appeal allowed – copy of appeal decision attached
22/00986/CLPUD	Ashbourne Touring and Camping Park, DE6 3HF	WR	Appeal being processed
22/00008/OUT	Land off Biggin View, Hulland Ward	WR	Appeal being processed
22/01085/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal dismissed – copy of appeal decision attached
ENF/2021/00044	Darley Moor Motor Cycle Road Racing Club Ltd, Darley Moor Sports Centre, Darley Moor, Ashbourne	WR	Appeal being processed
22/01159/CLPUD	Meadow View, The Row, Main Street, Hollington	WR	Appeal being processed
22/00304/FUL	Brunswood Barns, Brunswood Lane, Hulland Ward	WR	Appeal being processed
ENF/22/00119	Tythe Barn Close, Hob Lane, Kirk Ireton	WR	Appeal being processed
22/00212/FUL	38-40 St John Street, Ashbourne	WR	Appeal being processed

22/00213/LBALT	38-40 St John Street, Ashbourne	WR	Appeal being processed
22/00731/LBALT	Bradley Hall, Yew Tree Lane, Bradley	WR	Appeal being processed
ENF/23/00010	Moss Farm, Hulland Village	PI	Appeal being processed
ENF/22/00142	Land at Magfield Farm/Land to the east of Timber Farm, Hulland Village	WR	Appeal being processed
Central			
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal withdrawn
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
ENF/21/00127 (1)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
ENF/21/00127 (2)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
22/01038/FUL	7 Crown Square, Matlock	WR	Appeal being processed
22/01237/FUL	Wood End, West End, Wirksworth	HH	Appeal dismissed – copy of appeal decision attached
22/00678/FUL	Scarthin Books of Cromford, Scarthin, Cromford	WR	Appeal being processed
22/00182/FUL	The Woodyard, Derby Road, Homesford	HEAR	Appeal being processed
ENF/23/00037	Land south of Yeats Lane, Cromford	WR	Appeal being processed
22/01174/FUL	Moor Edge, Uppertown Lane, Bonsall	HOUSE	Appeal being processed
22/01353/OUT	Opposite the Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
22/00489/FUL	Former Rhododendron Nursery, Chesterfield Road, Matlock	WR	Appeal being processed

WR - Written Representations

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

OFFICER RECOMMENDATION:

That the report be noted.

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Appeal Decision

Site visit made on 13 June 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/P1045/D/22/3307072

Cobscroft, Trough Lane, Hulland Village, Derbyshire DE6 3EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Sewell against Derbyshire Dales District Council.
 - The application Ref 22/00590/FUL, is dated 19 May 2022.
 - The development proposed is single storey rear and porch extensions, application of insulated render to exterior walls and new access and roadway to field.
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey rear and porch extensions, application of insulated render to exterior walls and new access and roadway to field at Cobscroft, Hulland Village, Derbyshire DE6 3EP in accordance with the terms of the application, Ref 22/00590/FUL, dated 19 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2108-04E; 2108-02H; 2108-1A.
 - 3) Details of the proposed insulated render shall be submitted to and approved in writing by the local planning authority before being applied to the external surfaces of the development hereby approved. The relevant works shall be carried out in accordance with the approved details and retained thereafter.
 - 4) Details of the construction, engineering work, gradient, and landscaping of the approved access shall be submitted to and approved in writing by the local planning authority before work to construct the access is commenced. The submitted details shall include cross-section drawings of the approved access from the point of egressing from the public highway to a point at least 15m into the site or where the gradient is level, whichever is sooner. The relevant works shall be carried out in accordance with the approved details and retained thereafter.

Application for Costs

2. An application for costs was made by Mr Peter Sewell against Derbyshire Dales District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The address of the proposal in the banner heading is taken from the planning application form. I note some confusion regarding the address of the proposal whereby the property name is referenced as Holly Croft in a report to the Council's planning committee, and in comments by various parties. However, the public notice advertising the planning application and the Council's acknowledgement letter clearly reference Cobscroft; representations were submitted to the Council; and interested parties attended the planning committee. At my visit, a name plate clearly identified the property as Cobscroft. I am therefore satisfied that no parties have been prejudiced in this regard.
4. After submission of the planning application, the location plan was amended to include land within the highway verge. The Council advises that this was to ensure that the site included all land necessary to carry out the proposed development; that no further public consultation was carried out on the basis that the additional land was within the highway and that there was no change to the nature, extent or impacts of development proposed. The Council considers that no other parties were prejudiced by the amendment, and I find no reason to disagree.

Background and Main Issues

5. A report regarding the planning application was made to the Council's planning committee 16 August 2022 (the report), at which a decision was made to defer a decision in order to gather further information. This report has informed the main issues in this appeal.
6. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area, including the settings of the Hulland Conservation Area and the grade II listed buildings of Hulland Hall and Glovers Cottage;
 - the living conditions of neighbouring occupiers at Dumbles, with particular regard to privacy; overlooking; and noise and disturbance; and
 - highway safety.

Reasons

Character and appearance

7. The appeal site comprises a bungalow in a large plot within a rural area, where properties generally form ribbon development. The bungalow is well set back from the road, and due to the topography of the area, it occupies an elevated position in relation to the neighbouring detached property of Dumbles.
8. The appeal site is adjacent to the boundary of the Hulland Conservation Area (CA). From the limited information before me, the significance of the CA derives from Hulland Hall as a main house, constructed in the 17th century with later additions, and its ancillary buildings are also listed (grade II) for their group value. Hulland Hall is within the CA on the opposite side of the road to the appeal site, further to the west. Glovers Cottage is adjacent to the appeal site and within the CA, and the listed building entry details a late 18th century house.

9. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced. Due to their siting and scale, together with the surrounding topography, the proposed extensions, access and roadway would not appear in any public views from or towards the CA, nor would they adversely impact upon the setting of the listed buildings. The Council's Conservation Officer raises no objection to the proposed development, and I find no reason to disagree. Consequently, I conclude that all of the elements of the proposal would preserve the setting of the CA and the nearby listed buildings.
10. The plot is large enough to accommodate the proposed extensions. Due to their scale, height, width, depth and design, the proposed extensions would not be out of keeping with the existing bungalow. A rendered finish would not be unique to the village, the colour of which could be controlled by a suitable condition.
11. The proposed access and roadway would require a gap to be made within an existing hedgerow, and due to the local topography, some degree of engineering works would be required to provide a safe gradient for the proposed access and roadway. A similar design to the existing access serving the bungalow, which includes a ramp to a length of some 15m, would not harm the rural character of the road. A significant part of the hedgerow to the frontage of the appeal site has been removed following works by Severn Trent Water (STW). The loss of a relatively small part of hedgerow of some 3.6m width would not give rise to significant visual harm.
12. Furthermore, I saw other properties within the village with significantly wider and steeper accesses than that proposed, some with retaining walls to a considerable height. While the details that led to these frontages are not before me, they demonstrate that works to achieve access at gradient can be designed without necessarily resulting in harm to the character and appearance of the area. This matter could be controlled by a suitable condition.
13. I therefore conclude that the proposal would not harm the character and appearance of the area; and it would preserve the setting of the Hulland Conservation Area and the settings of the grade II listed buildings of Hulland Hall and Glovers Cottage. The proposal would accord with Policies S1, S4, PD1, PD2, HC10 of the Derbyshire Dales Local Plan 2017 (LP). Among other things, these policies seek to achieve sustainable development by ensuring that development is of a high-quality design that respects and positively contributes to local character, including that of rural roads; that heritage assets are conserved in a manner appropriate to their significance; that their settings are not adversely impacted; and that extensions are suitable to the plot.

Living conditions of neighbouring occupiers

14. Due to its height, width and depth, the proposed single storey rear extension would project some 3.5m to the side of its host and it would include a window within its easterly elevation. While this window would provide an oblique view towards the rear elevation of Dumbles, the separation distance would be some 37m. Consequently, the proposed rear extension would not result in an unacceptable impact upon the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking; and it would not be necessary nor reasonable to impose a condition for obscure glazing.

15. The proposed access and track would facilitate the use of vehicles to serve the appellant's pastoral field, which is located outside the boundary of the planning application. While the use of such vehicles would result in some degree of noise and disturbance, this would not be out of keeping with the rural character of the area. Any noise and disturbance arising from the construction period of the proposal would be temporary.
16. I therefore conclude that the proposed development would not result in unacceptable harm to the living conditions of neighbouring occupiers at Dumbles, with particular regard to privacy; overlooking; and noise and disturbance. The proposal accords with Policies S1 and PD1 of the LP, which seek to ensure that development is of high quality and does not cause unacceptable effects upon neighbouring amenity.

Highway safety

17. From the evidence before me, the proposed access and roadway would enable the servicing of the appellant's pastoral field; with a width to allow access by agricultural vehicles; and to prevent such vehicles traversing an area of land under which STW mains apparatus lies. There is a further gate to the appellants field which leads into a further field with access to Trough Lane. The appellant advises that this gate is only for the purposes of hedge cutting. In this regard, the report details no objection to the justification for the proposed access and roadway, and I find no reason to disagree.
18. The proposed access and track would facilitate the use of agricultural vehicles, which would not be an uncommon activity within the rural area. There is little substantive evidence before me to demonstrate that the proposed access and roadway could not be safely designed, nor that the agricultural vehicles could not be safely accommodated on the highway network. The local highway authority (LHA) raised no objection to the proposed development, subject to the repositioning of a proposed gully, which is clearly shown on the submitted plans, and I find no reason to disagree.
19. Given the existence of the current access to serve the bungalow, and other works to facilitate access to other properties in the village, it is highly likely that a safe design is feasible. This view takes account of the concerns of interested parties, including but not limited to changes in land levels to neighbouring properties, the potential presence of underground apparatus/services, repositioning of inspection covers, visibility spays and the control of surface water discharge to the highway. Such matters can be controlled by a suitable condition. Thus, it follows that if a safe design was not feasible, these elements of the proposal would ultimately fail.
20. I note the concerns of interested parties that the position of the LHA is founded upon a desk-based assessment. From the evidence before me, the formal response of the LHA as a consultee to the planning application makes no such reference, although I note that their pre-application comments do so.
21. Consequently, I conclude that the proposed development would not result in any harm to highway safety. It would accord with Policies S1, S4, PD1, and HC19 of the LP. Taken together, these policies seek (among other things) to ensure that development is of high-quality design, accessed in a safe and sustainable manner; and located where the highway network can satisfactorily accommodate traffic generated by the development.

Other Matters

22. I note concerns that visibility splays serving the proposed access could encroach onto neighbouring land. However, matters relating to land ownership and rights of access are private matters and thus do not have any bearing of my consideration of the planning merits of the scheme. Interested parties raise concerns about the fear of future development that could be served by the proposed access and roadway. However, any proposal for further development would be a separate planning matter. There is no compelling evidence before me that the hedgerow is ancient, nor that wildlife would be significantly affected by the proposed development.

Conditions

23. I have considered the conditions suggested by the Council and I have made amendments in the interests of clarity, precision and to ensure compliance with Planning Practice Guidance. Conditions specifying the time limit and the approved plans are necessary to provide certainty. I have imposed a condition specifying external materials are to be agreed, in the interests of the character and appearance of the area. A condition to address details of the proposed access and roadway is necessary to ensure highway safety, and in the interest of the character and appearance of the area.

Conclusion

24. The proposed development is in accordance with the development plan, read as a whole. There are no other material considerations of sufficient weight to warrant a decision otherwise in accordance with it. For the reasons given I conclude that the appeal should succeed.

J Moore

INSPECTOR



Costs Decision

Site visit made on 13 June 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Costs application in relation to Appeal Ref: APP/P1045/D/22/3307072 Cobscroft, Trough Lane, Hulland Village, Derbyshire DE6 3EP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Peter Sewell for a full award of costs against Derbyshire Dales District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for single storey rear and porch extensions, application of insulated render to exterior walls and new access and roadway to field.
-

Decision

1. The application for an award of costs is refused in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In essence, the applicant is aggrieved following the deferral of the application by the Council's planning committee (the committee), in light of a recommendation to approve the application and the position of the local highway authority (LHA). Furthermore, following an email notifying the applicant of the decision to defer with reasons on 17 August 2022, the applicant claims that no further communications were received from the Council, to the extent that the applicant chose to lodge an appeal 15 September 2022.
4. From the evidence before me, the planning application was validated 19 May 2022. The LHA made pre-application comments 20 May 2002, in light of which the applicant made an amendment to the planning application, after it had been submitted and validated. Formal comments were made by the LHA 26 May 2022. The LHA made no objection in both its informal and formal comments. The time period for determination was extended twice with the applicant's agreement to 11 August 2022 and latterly 19 August 2022. The committee considered the planning application 16 August 2022.
5. The applicant advises that an email 17 August 2022 detailed the reason for the deferral in that the Council required additional information regarding the construction of the proposed access in the interests of highway safety and in accordance with policies S4 and HC19 of the Derbyshire Dales Local Plan. The

- applicant suggests that Policy HC19 is not referenced in the report to the planning committee (the report), and its relevance is not clear.
6. While I have not been provided with copies of all of the relevant communications before me, including the email of 17 August 2022, the facts above are not in dispute.
 7. While the minutes of the committee confirm a deferral in order to gather further details of the planned construction and to allow for further investigation of the planned access to be undertaken by the LHA, they do not elaborate as to the concerns which led to this deferral. However, it is clear that members of the committee took this decision after they had visited the site, listened to speakers (including the applicant), and debated the merits of the case.
 8. The report clearly sets out the formal comments of the LHA. Section 3.0 clearly references Policies S4 and HC19 in terms of the relevant policies for decision making. While Policy HC19 is not explicitly referenced in the officer appraisal section of the report, the matter of safe access is a common consideration in each of the policies, and this is clearly addressed in the report. Members of a planning committee and officers are generally familiar with the content of policy, and it is therefore not necessary to make detailed comments in relation to all relevant policies within reports.
 9. The fact that the LHA raised no objection does not suggest that there were no other concerns about the proposed access and roadway. In this regard, the report recommends a condition to control the design of the proposed access and roadway in the interests of wider matters pertaining to highway safety.
 10. Members of a committee are not bound by an officer recommendation, and they are entitled to take a different view from their officers. In this case, the appeal site is in proximity to a conservation area and listed buildings. In light of the statutory duty for decision makers to consider heritage assets and concerns about the proposed access and roadway, members of the committee were not unreasonable in their decision to defer and request further information. It would also have been open to the committee to refuse the planning application, but they did not do so.
 11. Consequently, I find that the Council's behaviour is not unreasonable insofar as it relates to substantive matters.
 12. My attention is drawn to the lack of communication from the council after 17 August 2022. The Council's response to the application for costs is silent on this particular matter.
 13. Paragraph 033 of the PPG states that "*all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.*"
 14. If the Council had requested a further period of time in which to determine the planning application, or indeed advised when the matter would be further considered by the committee, the applicant may have chosen not to lodge the appeal. If the planning application was subsequently approved, it is likely that the applicant would not have chosen to appeal. However, if the planning

application was subsequently refused, the applicant may have considered an appeal against the refusal of planning permission, in which case such an appeal would not have resulted in unnecessary or wasted expense.

15. However, there is no evidence before me that the applicant sought to contact the Council after 17 August 2022. Had the applicant done so, the appeal may not have been lodged.
16. I do not therefore consider in this instance that the Council's actions have resulted in unnecessary or wasted expense on the part of the applicant.
17. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Moore

INSPECTOR



Appeal Decision

Site visit made on 26 June 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/P1045/D/23/3314218

Brackendale, Ashbourne Road, Brassington DE4 4BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Noel Spiteri against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01085/FUL, dated 15 September 2022, was refused by notice dated 15 December 2022.
 - The development proposed is a first floor extension above existing kitchen and utility.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property is a detached dwelling, once an agricultural building, which, along with the adjacent cluster of dwellings and built form, formed part of a single farmstead. As recognised by the appellant, the extensive renovation, remodelling, conversion and separation of the farmstead has resulted in significant changes to the original agricultural character of the site. Despite this, the dominant linear presence of the main stone part of the appeal dwelling, with its subservient sections and outbuildings and open expanse of land surrounding it, retains positive reference to its agricultural past.
4. The proposed development would result in the upward extension of the single storey side section of the property, which is clearly a modern, subservient feature to the original stone part of the dwelling. As it is already of a considerable width and footprint, the proposal's generous height and resultant increase in volume would cause this section of the property to be a very large mass which would dominate the main part of the dwelling. This lack of subservience would further dilute the agricultural character and appearance of the dwelling and its setting.
5. I appreciate that the proposal takes its design cues from a Dutch barn which, the evidence indicates, was sited within the centre of the former farmstead. In particular, the extension seeks to replicate the former barn's curved roof design. However, it seems to me that despite its large scale, the barn had a simple, functional appearance and was likely transient in nature given its construction and use. It was also separated from the now stone dwelling, reinforcing its subordinate relationship.

6. To the contrary, the proposal forms part of the main dwelling and, for the reasons given, would dominate it. It would therefore fail to reflect the independence which the buildings once would have had. It would also be strikingly domestic and contrived due to its fenestration design, notably the vast amount of glazing, ratio of blank wall to openings and materials.
7. It would not therefore reinstate, replicate or reinforce the former agricultural character of the site, but rather it would be an intrusive and overbearing addition which would visually compete with the simple form and design of the traditional stone dwelling. Therefore, the former presence of the barn is not satisfactory justification alone for the appeal proposal.
8. Whilst the juxtaposition between the roof of the stone part of the dwelling and the appeal proposal has been sensitively designed through a glazed link, this element in itself would fail to overcome the concerns with the overall scale and design of the extension, as noted above.
9. Accordingly, the proposal would harm the character and appearance of the area and thus would conflict with policies PD1 and HC10 of the Derbyshire Dales Local Plan (December 2017) which seek to ensure that developments contribute positively towards and respect their context and the host dwelling. It would also fail to accord with the design guidance set out in paragraph 130 of the National Planning Policy Framework.

Conclusion

10. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR



Appeal Decision

Site visit made on 13 June 2023

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/P1045/D/23/3320478

Wood End, West End, Wirksworth, Derbyshire DE4 4EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Jen Bowyer against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01237/FUL, dated 6 November 2022, was refused by notice dated 30 January 2023.
 - The development proposed is described as replacing old and rotten existing wooden shed and workshop with a brick built permanent garage/workshop.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Wirksworth Conservation Area; and
 - the effect of the proposal upon the character and appearance of the host property.

Reasons

3. Wood End is a large, detached dwelling in a relatively large plot within the 'West End' sub area of the Wirksworth Conservation Area (CA). An appraisal¹ sets out the historical and architectural significance of the CA, which includes significant areas of historic landscape which form the backdrop to and from vistas from the town.
4. The proposed garage/workshop would have a roof pitch of 45°. This would be much steeper than the prevailing angle of 35-40° that is typical of the dominant Georgian and Victorian architectural style of the Wood End sub area and the wider CA. With an eaves height of 2.5m and a further 2.9m to the ridge, the roof would appear as significantly oversized and disproportionate. Thus, the outbuilding would appear as a discordant and incongruous addition to its host property, and to the prevailing roofscape of the CA.
5. Due to the location of the proposed outbuilding to the rear of its host, it would not be directly in view from the frontage to the street. However, it would be in view from the rear of surrounding properties and from public vantage points.

¹ The Wirksworth Conservation Area Appraisal 2001

6. Although the appellant seeks to construct the outbuilding in materials to exactly match its host, the submitted plans do not detail rainwater goods, lintels or cills to openings, or any brick detailing that would match its host. However, the Council accepts that such matters could be controlled by suitable conditions, and I find no reason to disagree.
7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The harm I have identified is less than substantial, and therefore the harm must be weighed against any public benefits of the proposed development.
8. The outbuilding would be used by the occupiers of Wood End, and it could enable the more effective heating and lighting sought by the appellant. Such benefits would represent an improvement to residential amenity of the occupiers, which would not be a public benefit. Temporary economic benefits would arise during construction, and the proposal could assist in tackling climate change. However, such wider public benefits would be small in scale and limited. Consequently, there are no public benefits that would outweigh the harm to the heritage asset.
9. I therefore conclude that the proposal would harm the character and appearance of the host property and fail to preserve or enhance the character or appearance of the Wirksworth Conservation Area. It conflicts with Policies PD1, PD2 and HC10 of the Derbyshire Dales Local Plan 2017 (LP).
10. These policies seek to ensure that development is of high quality design that respects local character and distinctiveness, and contributes positively to the character of the built and historic environment; that heritage assets are conserved in a manner appropriate to their significance; and that outbuildings are in keeping with the scale and character of the original dwelling, and the site's wider setting and location. The proposal also conflicts with the requirements of the Framework and the Act.

Other Matters

11. I acknowledge the appellant's objective to maximise the available space within the roof of the proposed building which may assist in meeting any future needs such as a home office. While the proposal does not detail a home office, such an approach would accord with Policy PD1 of the LP, in so far as it seeks to ensure that new development is designed to offer flexibility for future needs, but this does not alter my conclusions on the main issues. Additionally, the absence of neighbour objections is a neutral factor in my consideration of the proposal.

Conclusion

12. Given my findings above, the proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweighs the

identified harm and associated development plan conflict. The scheme also fails to accord with the requirements of the Framework and the Act.

13. For the reasons given above, I conclude that the appeal should be dismissed.

J Moore

INSPECTOR

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BACKGROUND PAPERS

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.

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